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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP–1941]

PART 701—1941 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

CONTENTS

Payments will be made for participation in the 1941 Agricultural Conservation Program (hereinafter referred to as the 1941 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

§ 701.201 *Allotments, yields, productivity indexes, payments, and deductions.*[1] County acreage allotments will be determined by the Agricultural Adjustment Administration, with the assistance of the State committee, in accordance with the provisions contained herein. Farm acreage allotments, usual acreages, farm normal yields, and farm productivity indexes shall be determined, and restoration land shall be designated, by the county committee, with the assistance of other local committees in the county, in accordance with the provisions contained herein and instructions issued by the Agricultural Adjustment Administration.

(a) *Corn*—(1) *National goal.* The 1941 national goal for corn is _____ to _____ acres.

(2) *National and State acreage allotments.* The national and State corn

[1] The national goals and rates of payment and deduction which are not included in this bulletin will be determined and announced by the Secretary as soon as the statistics upon which they are required to be based become available.

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acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* County acreage allotments of corn for counties in the commercial corn area shall be determined by distributing the corn acreage allotment established for the commercial corn area within the State among such counties in such State pro rata on the basis of the acreage seeded for the production of corn plus the acreage diverted from corn under the agricultural adjustment and conservation programs in such counties during the ten years, 1930 to 1939, with adjustments for abnormal weather conditions and trends in acreage.

(4) *Farm acreage allotments.* Acreage allotments of corn shall be determined for farms in the commercial area. The allotment for each farm shall be determined on the basis of tillable acreage and crop rotation practices, as reflected in the usual acreage of corn for the farm, with adjustments of not to exceed 50 percent for types of soil and topography.

For those farms for which the 1940 farm corn allotments reflect these factors in accordance with the conditions as applicable in 1941, the 1940 allotments may be used in determining 1941 allotments. If the county committee determines that the 1940 allotment for a farm does not reflect these factors in accordance with the conditions applicable in 1941 due to a change in type of farming operations, change in farm land, change in cropland acreage, drought, flood, or any other unusual conditions, an acreage shall be determined which reflects the factors as applicable in 1941. Such acreage shall be determined on the basis of the foregoing factors or the average ratio of 1940 corn allotments to cropland for similar farms in the county.

The allotment for any farm shall compare with the allotments for other farms in the same community which are similar with respect to the foregoing factors. The corn acreage allotments determined for the farms in a county shall not exceed the county corn acreage allotment.

(5) *Normal yields.* For each farm for which a corn acreage allotment is determined or a deduction is computed, a normal yield of corn shall be determined as follows:

(i) Where reliable records of the actual average yields per acre of corn for the ten years 1930 to 1939 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields, adjusted for trends and abnormal weather conditions;

(ii) If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because corn was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield in years for which data are available, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period; and

(iii) The yields determined under subdivision (ii) of this subparagraph (5) shall be adjusted so that the weighted average of the normal yields for all farms in the county shall not exceed the county yield established by the Secretary.

(6) *Commercial corn area* or *commercial corn-producing area* means counties designated by the Agricultural Adjustment Administration with the approval of the Secretary. This area will include counties which have produced an average of at least 450 bushels of corn per farm and 4 bushels of corn per acre of farm land during the past 10 years. It also includes bordering counties containing townships producing and likely to produce an average of 450 bushels of corn per farm and 4 bushels of corn per acre of farm land. The area will include, but not be limited to, counties in the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, South Dakota, Ohio, and Wisconsin.

(7) *Non-corn-allotment farm* means a farm in the commercial corn area (a) for which no corn acreage allotment is determined, or (b) for which a corn acreage allotment of less than ten acres is determined and the acreage planted to corn is greater than such allotment.

(8) *Acreage planted to corn* means the acreage of land on which field corn is planted (except any acreage of sown corn used as a cover crop or green manure crop) and the acreage of sweet corn used for livestock feed: *Provided,* That an acreage not in excess of the larger of three acres or three percent of the allotment, unintentionally planted in excess of the allotment, shall not be considered as planted to corn if disposed of in a manner and within the time specified by the Regional Director: *Provided further,* That all or any part of any corn acreage totally destroyed by flood, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted to corn on the farm, may be considered as not having been planted.

(9) *Usual acreage of corn for grain.* Usual acreages of corn for grain shall be determined for all farms in Area C for which a payment is computed with respect to a potato, tobacco, or wheat acreage allotment and on which the usual acreage of corn for grain is more than 10 acres, except in New England and counties or other areas where the provisions of subparagraphs (5), (6), or (7) of paragraph (k) of this section are applicable. The usual acreage of corn for grain shall be determined on the basis of the average annual acreage of corn harvested for grain and diverted therefrom during the years 1937, 1938, and 1939, with appropriate adjustments for crop rotation practices. The sum of the usual acreages of corn for grain determined for such farms in a county shall not exceed the sum of the average annual acreages of corn harvested for grain and diverted therefrom on such farms during the years 1938, 1939, and 1940, except (1) that fair and reasonable adjustments in such acreage may be made between counties by the State committee on the basis of shifts in production, and (2) upon approval by the Agricultural Adjustment Administration where it is found that such average acreage was not representative because of abnormal weather conditions or marked shifts in cropping practices in the county.

(10) *Payment.* (Corn - allotment farms) _____ cents per bushel of the normal yield of corn for the farm for each acre in the corn acreage allotment.

(11) *Deduction.* (i) (Corn-allotment farms) _____ cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the corn acreage allotment.

(ii) (Non-corn-allotment farms in the commercial corn area) _____ cents per bushel of the normal yield for the farm for each acre planted to corn in excess of 10 acres.

(iii) (Farms in Area C for which a payment is computed with respect to a potato, tobacco, or wheat acreage allotment, except in New England and in counties or other areas where the provisions of subparagraphs (5), (6), or (7) of paragraph (k) of this section are applicable) $10.00 per acre for each acre of corn harvested for grain in excess of the larger of the usual acreage of corn for grain determined for the farm or 10 acres.

(b) *Cotton*—(1) *National goal.* The 1941 national goal for cotton is _____ to _____ acres.

(2) *National and State acreage allotments.* The national and State cotton acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* (i) County cotton acreage allotments shall be determined as follows: The State acreage allotment of cotton (less not to exceed 1 percent for use in making allotments to farms on which cotton will be planted in 1941 but on which cotton was not planted in any of the years 1938, 1939, and 1940) shall be prorated among the counties in the State on the basis of the acreage planted to cotton plus the acreage diverted from cotton under agricultural adjustment or conservation programs during the five years 1935 to 1939: *Provided*, That there shall be added to the acreage allotment so determined for each county the number of acres required to provide an acreage allotment in such county of not less than 60 percent of the acreage planted to cotton in such county in 1937 plus 60 percent of the acreage diverted from cotton in the county under the 1937 Agricultural Conservation Program (hereinafter referred to as the 1937 program).

(ii) In administrative areas which were treated separately for 1940 and in any additional administrative areas where the Agricultural Adjustment Administration finds that, because of differences in types, kinds, and productivity of the soil or other conditions, one or more of the administrative areas in any county should be treated separately in order to prevent discrimination, the county acreage allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from cotton under the 1937 program, or, if the Agricultural Adjustment Administration determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, then on the basis of the cotton base acreage determined under the 1937 Cotton Price Adjustment Payment Plan. Allotments to the farms within each such administrative area shall be made in the manner provided in subparagraph (4) of this paragraph (b) for the apportionment of county cotton acreage allotments among farms.

(4) *Farm acreage allotments.* Farm acreage allotments for cotton shall be determined as follows:

(i) County cotton acreage allotments shall be apportioned among the farms in the county on which cotton was planted in any one or more of the years 1938, 1939, and 1940 in a manner that will result in a cotton acreage allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the county or administrative area) of the land in the farm in 1940 which was tilled annually or in regular rotation exclusive of the acres of such land normally devoted to the production of sugarcane for sugar, wheat, tobacco, or rice for market, or wheat or rice for feeding to livestock for market, except that:

(*a*) For any such farm with respect to which the highest acreage planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1938, 1939, and 1940 is less than 5 acres the cotton acreage allotment for the farm shall be such highest number of acres if the county cotton acreage allotment is sufficient therefor;

(*b*) For any such farm with respect to which the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1938, 1939, and 1940 is 5 acres or more the allotment for the farm shall not be less than 5 acres if the county cotton acreage allotment is sufficient therefor; and

(*c*) Notwithstanding the foregoing provisions of this subdivision (i), a number of acres equal to not more than 3 percent of the county acreage allotment in excess of the allotments made to farms on which the highest number of acres planted to cotton plus the acres diverted from cotton under agricultural conservation programs for any of the years 1938, 1939, and 1940 was less than 5 acres and the number of acres required for allotments of 5 acres for each other farm in the county on which cotton was planted in 1938, 1939, or 1940 may be apportioned among farms in the county on which cotton was planted in 1938, 1939, or 1940, and for which the allotment otherwise provided is 5 acres or more but less than 15 acres.

In making such allotments under item (*c*) of this subdivision (i) due consideration and weight shall be given to the land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton, and such increases shall not be such as to increase the allotment to any farm above 15 acres. In no event shall the allotment for any farm under this subdivision (i) exceed the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1938, 1939, and 1940.

(ii) In case the county allotment is insufficient to provide allotments to farms in the county which are determined to be adequate and representative in view of their past production of cotton and their tilled land, there shall be apportioned to such farms such part of a State reserve equal to 4 percent of the State acreage allotment as is necessary to give such farms allotments in conformity with subdivision (i) which are as nearly adequate and representative as such 4-percent reserve will permit. Such additional allotment shall be used first to increase allotments to farms under items (*a*) and (*b*) of subdivision (i).

(iii) If the cotton acreage allotments for any farms are substantially smaller than the cotton acreage allotments which would have been made without regard to the provisions of items (*a*) and (*b*) of subdivision (i) above, the cotton acreage allotments for such farms shall be increased to the acreage which would have resulted in the absence of such provisions insofar as the remaining portion of the 4-percent State reserve will permit after making allotments under subdivision (ii) above.

(iv) After allotments have been made from the 4-percent State reserve as provided in subdivisions (ii) and (iii) above, any remaining acreage in the reserve shall be apportioned as follows: (*a*) one-half of any remainder of the 4-percent reserve shall be available for increasing the allotments for any farms which are determined to be inadequate and not representative in view of past production on the farm; (*b*) any necessary part of the other one-half of the remainder of the 4-percent reserve shall be apportioned to counties to equal any reduction in 1941 from 1940 county allotments resulting from increases in national cotton yields in apportioning the national baleage allotment and to counties where farm allotments have been substantially reduced because of new farms coming into the production of cotton in 1938, 1939, and 1940; and (*c*) any acreage of the 4-percent reserve not otherwise used shall be apportioned to farms for which the acreage allotment otherwise determined is less than 50 percent of the sum of the acreage planted to cotton in 1937 and the acreage diverted from cotton production in 1937 under the 1937 program, except that the excess of such acreage, if any, over the allotments under subdivision (v) below for the State may be added to the reserve provided in subdivision (iv) (*a*) above: *Provided*, That the cotton acreage allotment for any farm shall not be increased under this subdivision (iv) above the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1938, 1939, and 1940: *Provided further*, That the cotton acreage allotment for any farm shall not be increased under clause (*a*) above 40 percent of the acreage on such farm which is tilled annually or in regular rotation, except in States, in irrigated areas, for which the total acreage available for such adjustment is less than 10,000 acres and the Agricultural Adjustment Administration determines that the application of this limitation would prevent the determination of allotments which are adequate and representative in view of past production on the farms.

(v) Notwithstanding the provisions of subdivisions (i), (ii), (iii), and (iv) above, the cotton acreage allotment for

any farm shall be increased by such amount as may be necessary to provide an allotment of not less than 50 percent of the sum of the acreage determined by the county committee to have been planted to cotton in 1937 and the acreage so determined to have been diverted from cotton under the 1937 program: *Provided*, That the cotton acreage allotment for any farm shall not be increased under this subdivision to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(vi) After making the cotton acreage allotments according to the foregoing provisions of this subparagraph (4) any part of the cotton acreage allotment apportioned to any farm which the operator releases to the county committee because it will not be planted to cotton in 1941 shall be deducted from the allotment to such farm and the acreage so deducted may be apportioned to other cotton farms in the State, preference being given to farms in the same county receiving allotments which are inadequate and not representative in view of the past production of cotton on each farm. In such apportionment the county committee shall consider only the character and adaptability of the soil and other physical facilities affecting the production of cotton and the need of the operator of the farm for an additional allotment to meet the requirements of the families engaged in the production of cotton in 1941 on the farm: *Provided*, That the cotton acreage allotment for any farm shall not be increased under this subdivision to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(vii) That portion of the State acreage allotment not apportioned among the counties under paragraph (b) (3) (i) may be apportioned to farms in the State on which cotton will be planted in 1941 but on which cotton was not planted in any of the years 1938, 1939, and 1940, on the basis of land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other physical facilities affecting the production of cotton, taking into consideration also the producer's intention to plant cotton. As a reflection of the several factors to be taken into consideration, the acreage on the farm which will be tilled in 1941 or was tilled in 1940 will be the basic index of the farm's capacity for cotton production: *Provided*, That the allotment shall not exceed an acreage equal to 50 percent of the county cotton factor, determined under paragraph (4), times the tilled acreage in the farm used in determining the cotton acreage allotment, except that (a) for any such farm with respect to which the county committee's recommendation of an allotment is less than 5 acres, such recommendation shall be the cotton acreage allotment for the farm if the State reserve for new farms is sufficient therefor, or for any such farm with respect to which the county committee's recommendation of an allotment is 5 acres or more, the allotment for the farm shall not be less than 5 acres if the State reserve for new farms is sufficient therefor, taking into consideration also the local committee's recommendation and (b) for a farm on which the producer has in the previous year operated another farm located in an area in which several contiguous farms were purchased by a State or Federal agency to be retired from crop production the county cotton factor times the tilled acreage for the farm may be regarded as the basic index for the farm's capacity for cotton production. If the acreage planted to cotton in 1941 on any such farm is less than the 1941 cotton acreage allotment, the allotment shall be reduced to the acreage planted to cotton.

(viii) In California the cotton acreage allotment determined in accordance with the foregoing provisions shall be decreased (a) by two-thirds for any farm for which no cotton acreage allotment was determined for 1940 but on which cotton was planted in 1940; (b) by one-third for any farm for which no cotton acreage allotment was determined for 1939 but on which cotton was planted in 1939; (c) by two-thirds of the amount of the increase in the cotton acreage allotment resulting from overplanting in 1940 of the cotton acreage allotment determined for the farm for 1940; and (d) by one-third of the amount of the increase in the cotton acreage allotment resulting from overplanting in 1939 of the cotton acreage allotment determined for the farm in 1939.

(5) *Normal yields.* For each farm for which a cotton acreage allotment is determined or a deduction is computed there shall be determined a normal yield for cotton as follows:

(i) Where reliable records of the actual average yield of cotton per acre for the preceding five years are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields, adjusted for abnormal weather conditions;

(ii) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because cotton was not produced on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield in years for which data are available, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such five-year period; and

(iii) The yields determined under subdivision (ii) of this subparagraph (5) shall be adjusted so that the weighted average of the normal yields determined for all farms in the county or administrative area shall not exceed the county or administrative area yield established by the Secretary.

(6) *Acreage planted to cotton* means the acreage of land seeded to cotton, except that (1) if any acreage in excess of the allotment is disposed of before reaching the stage of growth at which bolls are first formed, (2) if notice of the amount of excess acreage is not given ten days prior to the time bolls are first formed, but such excess acreage is disposed of within ten days after such notice, or (3) if substantially all of the cotton produced on a particular acreage is determined to be cotton the staple of which is 1 1/2 inches or more in length—then, such acreage shall not be considered as planted to cotton.

(7) *Payment.* _____ cents per pound of the normal yield of cotton for the farm for each acre in its cotton acreage allotment, except that no payment will be made with respect to cotton on a farm on which cotton was not planted in any of the years 1938, 1939, and 1940.

(8) *Deduction.* _____ cents per pound of the normal yield of cotton for the farm for each acre planted to cotton in excess of its cotton acreage allotment.

(c) *Peanuts*—(1) *National goal.* The 1941 national goal for peanuts for market is _____ to _____ acres.

(2) *National and State acreage allotments.* The national and State peanut acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* County acreage allotments of peanuts for market for counties in the commercial peanut area shall be determined by distributing the State peanut acreage allotment among such counties on the basis of the 1938 and 1939 acreages of peanuts for market in the counties and the county acreage allotments determined under the 1940 program, taking into consideration abnormal weather conditions and trends in acreage on commercial peanut farms.

(4) *Farm acreage allotments.* In counties included in the commercial peanut area, peanut acreage allotments for farms shall be determined on the basis of the acreage of peanuts for market customarily grown on the farm, as reflected in the average acreage of peanuts grown on the farm for market in one or more of the years 1938, 1939, and 1940, with adjustments for tillable acreage, taking into consideration other special crop acreage allotments determined for the farm. In areas where the Agricultural Adjustment Administration determines that the tilled acreage accurately reflects the capacity for peanut production on a majority of the farms in the area, the foregoing factors may be applied as follows: the allotment will be determined on the basis of the smaller of (1) an indicated acreage of peanuts, as reflected in the tillable acreage available for the production of peanuts, taking into consideration other special crop acreage allotments determined for the farm, with

adjustments for production facilities and other physical factors affecting the production of peanuts on the farm, and (2) the acreage customarily grown.

Acreage allotments may also be determined for farms on which peanuts will be grown for market in 1941 for the first time since 1937 on the basis of the tillable acreage available for the production of peanuts, taking into consideration other special crop acreage allotments determined for the farm, the peanut-producing experience of the operator, crop rotation practices, physical factors affecting the production of peanuts for market, type of soil, and topography. If the acreage of peanuts planted for market in 1941 on any such farm is less than the 1941 peanut acreage allotment, the allotment shall be reduced to the acreage planted to peanuts for market.

The peanut acreage allotments determined for the farms in a county shall not exceed their proportionate part of the county peanut acreage allotment.

(5) *Normal yields.* Normal yields for peanuts for farms with respect to which peanut acreage allotments are determined or deductions are computed shall be determined on the basis of the yields of peanuts made on the farms in recent years with due consideration for types of soil, production practices, and the general fertility of the land. The weighted average yield for all farms in any county shall not exceed the county yield established by the Secretary.

(6) *Commercial peanut area* means counties in Virginia, North Carolina, Georgia, Alabama, Texas, and counties in Florida designated by the Agricultural Adjustment Administration in which peanuts are grown for market.

(7) *Peanuts for market* means all peanuts harvested for nuts on any farm for which an allotment is determined and, for any other farm, all peanuts harvested for nuts if any peanuts are separated from the vines by mechanical means and any peanuts are sold to persons not living on the farm.

(8) *Payment.* _____ per ton of the normal yield of peanuts for the farm for each acre in its peanut acreage allotment.

(9) *Deduction.* (For farms in commercial peanut area) _____ per ton of the normal yield for the farm for each acre of peanuts for market in excess of its peanut acreage allotment.

(d) *Potatoes*—(1) *National goal.* The 1941 national goal for potatoes is _____ to _____ acres.

(2) *National and State acreage allotments.* The national and State potato acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* County acreage allotments of potatoes for commercial potato counties shall be determined by distributing the State acreage allotment of potatoes among such counties in such State on the basis of the acreage allotments determined under the 1940 program, or, on the basis of the average acreage devoted to potatoes in such counties during the five years 1935 to 1939, taking into consideration trends in acreage on commercial potato farms and the acreage of potatoes on noncommercial potato farms.

(4) *Farm acreage allotments.* In commercial potato counties, a potato acreage allotment shall be determined for each farm for which the normal acreage of potatoes is determined to be three acres or more: *Provided*, That in areas designated by the Agricultural Adjustment Administration where more than three acres of potatoes are grown for home use on a substantial number of farms a potato acreage allotment shall be determined for each farm for which the normal acreage of potatoes for market is three acres or more. Potato acreage allotments shall be determined on the basis of the acreage of potatoes customarily grown on the farm, as reflected in the average acreage during two or more of the years 1936 to 1940, production facilities, good soil management, tillable acreage on the farm, type of soil, and topography. Potato acreage allotments may be determined for farms on which potatoes will be produced in 1941 for the first time since 1936 on the basis of the potato-producing experience of the operator and such of the foregoing factors as are applicable. The potato acreage allotment for any farm shall compare with the potato acreage allotments for other farms in the same community which are similar with respect to such factors. The potato acreage allotments determined for farms in a county shall not exceed their proportionate share of the county potato acreage allotment.

(5) *Normal yields.* For each farm for which a potato acreage allotment is determined or a deduction is computed, a normal yield of potatoes shall be determined on the basis of the yields of potatoes made on the farm, with due consideration for type of soil, production practices, and the general fertility of the land. The weighted average yield for all farms in any county shall not exceed the county yield established by the Secretary.

(6) *Commercial potato counties* means counties designated by the Agricultural Adjustment Administration as counties normally producing substantial quantities of potatoes for market.

(7) *Acreage planted to potatoes* means the acreage of land on which potatoes are planted, except (1) when grown in home gardens for use on the farm, and (2) that all or any part of any potato acreage totally destroyed by flood, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted to potatoes on the farm, may be considered as not having been planted.

(8) *Payment.* _____ cents per bushel of the normal yield of potatoes for the farm for each acre in its potato allotment.

(9) *Deduction.* (Farms in commercial potato counties) _____ cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of the larger of its potato acreage allotment or three acres, or, on farms for which no allotment is determined, in areas designated by the Agricultural Adjustment Administration where more than three acres of potatoes are grown for home use on a substantial number of farms, for each acre planted to potatoes for market in excess of three acres.

(e) *Rice*—(1) *National goal.* The 1941 national goal for rice is _____ to _____ acres.

(2) *National and State acreage allotments.* The national and State rice acreage allotments will be established by the Secretary.

(3) *Farm acreage allotments.* Farm rice acreage allotments shall be determined by State and county committees, with the assistance of other local committees in the county as follows:

(i) The acreage allotment for a farm tilled by a producer who participated in the production of rice in one or more of the five years 1936 to 1940, and who will participate in the production of rice in 1941, shall be determined on the basis of his past production of rice as reflected in the average acreage of rice for the years 1936–1940, adjusted to the acreage on the farm adapted to the production of rice, taking into consideration crop rotation practices, soil fertility, the acreage diverted under previous agricultural adjustment or conservation programs and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(ii) An acreage not to exceed 3 percent of the State rice acreage allotment shall be apportioned among farms tilled by producers who are participating in the production of rice in 1941 for the first time since 1935, on the basis of the applicable standards of apportionment set forth in subdivision (i), except that the rice acreage allotment to any such farm shall not exceed 75 percent of the rice acreage allotment that would have been made to the farm had such person(s) participated in the production of rice in one or more of the five years 1936 to 1940. If the 1941 acreage of rice on a farm tilled solely by producers who are participating in the production of rice in 1941 for the first time since 1935 is less than the 1941 rice acreage allotment, the final 1941 rice acreage allotment shall be reduced to the 1941 rice acreage.

The sum of the rice acreage allotments in a State shall not exceed the State rice acreage allotment.

(4) *Normal yields.* The State and county committees, with the assistance of other local committees in the county, shall determine for each farm for which a rice acreage allotment is determined or a deduction is computed a normal yield

for rice in accordance with the following provisions:

(i) Where reliable records of the actual average yield of rice per acre for the five years 1936 to 1940 are presented by the farmer or are available to the committee, the normal yield of rice for the farm shall be the average of such yields.

(ii) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under subdivision (i) of this subparagraph (4).

(iii) If the weighted average of the normal yields for all farms in the State exceeds the average yield per acre for the State during the five years 1936 to 1940 established by the Secretary, the normal yields for all such farms shall be reduced pro rata so that the weighted average of such normal yields shall not exceed such State average yield.

(5) *Payment.* _____ cents per 100 pounds of the normal yield per acre of rice for the farm for each acre in its rice acreage allotment.

(6) *Deduction.* _____ cents per 100 pounds of the normal yield for the farm for each acre planted to rice in excess of its rice acreage allotment: *Provided,* That an acreage not in excess of the larger of three acres or three percent of the allotment, unintentionally planted in excess of the allotment, shall not be considered as planted to rice if disposed of in a manner and within the time specified by the regional director: *Provided further,* That all or any part of any acreage totally destroyed by flood, insects, or any other cause beyond the control of the operator, which is later replaced by other rice acreage planted on the farm, may be considered as not having been planted.

(f) *Tobacco*—(1) *National goal.* The 1941 national goal for Burley tobacco is _____ to _____ acres; Flue-cured tobacco is _____ to _____ acres; Fire-cured and dark air-cured tobacco is _____ to _____ acres; Cigar-filler tobacco Type 41 is _____ to _____ acres; Cigar-filler and binder tobacco (other than Types 41 and 45) is _____ to _____ acres; Georgia-Florida Type 62 tobacco is _____ to _____ acres.

(2) *National and State acreage allotments.* The national and State acreage allotments for each kind of tobacco will be established by the Secretary.

(3) *Farm Acreage allotments.* The State acreage allotment for each kind of tobacco, except flue-cured and Burley, shall be allotted among farms in the State on which such kind of tobacco was produced in one or more of the five years 1936 to 1940 on the basis of the acreage allotments determined for the farms in 1940, with such adjustments as will take into account changes since 1939 in the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; crop rotation practices; the soil and other physical factors affecting the production of tobacco; and the adjustments for small farms.

In the case of flue-cured tobacco, for farms producing tobacco in one or more of the five years 1936 to 1940 the acreage allotments for 1941 shall be the acreage allotments determined for such farms in 1940.

In the case of Burley tobacco, for farms producing tobacco in one or more of the five years 1936 to 1940, the acreage allotments for 1941 shall be determined by increasing or decreasing each 1940 farm acreage allotment by the same percentage by which the 1941 national marketing quota for Burley tobacco is increased or decreased from the 1940 national marketing quota: *Provided,* That no farm acreage allotment of Burley tobacco shall be reduced by more than 10 percent below the 1940 farm acreage allotment and no Burley tobacco acreage allotment shall be decreased below the larger of (a) the 1939 allotment if such allotment was one-half acre or less, or (b) the 1940 allotment, if such allotment was not over one acre, except that if the 1939 allotment was more than one-half acre and the 1940 allotment was less than one-half acre, the 1941 allotment shall be one-half acre.

In the case of both flue-cured and Burley tobacco, an acreage not in excess of 2 percent of the total acreage allotted to all farms in each State in 1940 shall be available to county committees for making adjustments in accordance with regulations prescribed by the Secretary. The county committees may use this acreage to increase farm allotments where such increase is necessary in order to make them comparable to allotments determined for other farms which are similar with respect to past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco.

Notwithstanding any foregoing provision, any flue-cured or Burley tobacco allotment may, in the case of violation of marketing quota regulations for the 1940–41 marketing year, be decreased by that percentage which the amount of tobacco marketed in violation of such regulations is of the farm marketing quota.

The allotment for any farm on which tobacco is produced in 1941 for the first time since 1935 shall be determined on the basis of the tobacco producing experience of the farm operator; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. If the acreage planted to tobacco in 1941 on any such farm is less than the 1941 tobacco acreage allotment, the allotment shall be reduced to the acreage planted to tobacco.

(4) *Normal yields.* For each farm for which a tobacco acreage allotment is determined or a deduction is computed, a normal yield for tobacco shall be determined as follows:

(i) The normal yield for any farm on which tobacco was produced in one or more of the five years 1936 to 1940 shall be determined on the basis of the normal yield determined for the farm in 1940, or on the basis of the yields of tobacco made on the farm in the five years 1935–1939, taking into consideration the soil and other physical factors affecting production of tobacco on the farm, and the yields obtained on other farms in the locality which are similar with respect to such factors.

(ii) The normal yield for any farm on which tobacco is produced in 1941 for the first time since 1935 shall be that yield per acre which is fair and reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(iii) The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county by the Secretary.

(5) *Payment.* The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in its tobacco acreage allotment for each of the following kinds of tobacco:

	Cent
Burley	_____
Flue-cured	_____
Fire-cured and dark air-cured	_____
Cigar filler tobacco Type 41	_____
Cigar filler and binder (except Types 41 and 45)	_____
Georgia-Florida Type 62	_____

(6) *Deduction.* _____ cents per pound of the normal yield for the farm for each acre of tobacco harvested in excess of the applicable tobacco acreage allotment.

(g) *Commercial Vegetables*—(1) *Farm acreage allotments and usual acreages.* A commercial vegetable acreage allotment shall be determined in commercial vegetable counties in vegetable allotment areas for each farm for which the normal acreage of commercial vegetables is determined to be 3 acres or more. Usual acreages of commercial vegetables shall be determined in commercial vegetable counties in non-vegetable allotment areas for farms having a special crop acreage allotment. No vegetable allotment or usual acreage shall be determined which is less than three acres.

The commercial vegetable acreage allotment or usual acreage shall be determined on the basis of the acreage of

vegetables grown on the farm in two or more of the years 1936 to 1940, inclusive, with adjustments for abnormal weather conditions, the tillable acreage on the farm, type of soil, production facilities, crop rotation practices, and changes in farming practices.

The sum of the commercial vegetable acreage allotments determined for all farms in the county, including farms on which vegetables were not grown in the period 1936 to 1940, shall not exceed the sum of the average annual acreages of land planted to commercial vegetables in 1936 and 1937 on all farms in the county on which the average acreage of land planted to commercial vegetables in 1936 and 1937 was three acres or more, and on other farms on which acreage allotments are determined in 1941, except that fair and reasonable adjustments in such acreage may be made by the State committee among commercial vegetable counties in the State on the basis of shifts in commercial vegetable production.

The sum of commercial vegetable usual acreages determined for all farms in the county, including farms on which vegetables were not grown in the period 1936 to 1940, shall not exceed the sum of the average annual acreages of land planted to commercial vegetables in 1936 and 1937 on farms for which commercial vegetable usual acreages are determined.

In counties for which the 1936–1937 average acreage is not available, the sum of the allotments or usual acreages shall not exceed an acreage approved by the Agricultural Adjustment Administration which is comparable with the allotments or usual acreages for similar counties for which such data are available.

(2) *Commercial vegetable county* means a county for which the 1938 or 1939 acreage of commercial vegetables (other than Irish potatoes) was 400 acres or more planted on farms on which three acres or more of commercial vegetables were planted: *Provided*, That upon request of the State committee and approval by the regional director any other county may be designated as a commercial vegetable county.

(3) *Vegetable allotment area* means all commercial vegetable counties except any such counties which are designated as a non-vegetable allotment area by the Agricultural Adjustment Administration on recommendation of the State committee.

(4) *Commercial vegetables* means the planted acreage of annual vegetable or truck crops and the harvested acreage of perennial vegetables, of which any portion of the production is sold to persons not living on the farm, except (1) such crops grown in home gardens for use on the farm; (2) potatoes in commercial potato counties; (3) vegetables for processing in areas where it is determined by the Agricultural Adjustment Administration that such vegetables are not sold in direct competition with fresh vegetables and it is administratively practicable to distinguish between crops for processing and for other purposes; (4) dried beans, cowpeas, blackeyed peas, bulbs and flowers, and watermelons; and (5) sweet potatoes, strawberries, and cantaloupes, except in areas designated by the Agricultural Adjustment Administration upon recommendation of the State committee.

(5) *Payment.* _____ for each acre in the commercial vegetable acreage allotment determined for the farm, or, if the acreage of commercial vegetables is less than 80 percent of the farm's commercial vegetable acreage allotment, for an acreage equal to 125 percent of the acreage of commercial vegetables unless the county committee finds that the acreage of commercial vegetables is less than 80 percent of such allotment because of flood or drought.

(6) *Deduction.* (i) (Farms in the vegetable allotment area) _____ per acre of land devoted to commercial vegetables in excess of the larger of the commercial vegetable acreage allotment determined for the farm or three acres.

(ii) (Farms in commercial vegetable counties in non-vegetable allotment areas having a special crop acreage allotment) _____ per acre of land devoted to commercial vegetables in excess of the larger of the usual acreage of commercial vegetables determined for the farm or three acres.

(h) *Wheat*—(1) *National goal.* The 1941 national goal for wheat is 60 million to 65 million acres.

(2) *National and State acreage allotments.* The national and State wheat acreage allotments are as follows:

Alabama, 5,433; Arizona, 35,793; Arkansas, 67,549; California, 699,447; Colorado, 1,473, 720; Connecticut, _____; Delaware, 73,567; Florida, _____; Georgia, 140,058; Idaho, 994,637; Illinois, 1,936,653; Indiana, 1,604,332; Iowa, 455,834; Kansas, 12,798,697; Kentucky, 409,528; Louisiana, _____; Maine, 4,283; Maryland, 382,487; Massachusetts, _____; Michigan, 740,613; Minnesota, 1,652,047; Mississippi, _____; Missouri, 1,955,278; Montana, 3,767,254; Nebraska, 3,553,082; Nevada, 14,679; New Hampshire, _____; New Jersey, 54,455; New Mexico, 357,617; New York, 239,496; North Carolina, 400,512; North Dakota, 8,935,948; Ohio, 1,847,042; Oklahoma, 4,508,595; Oregon, 849,116; Pennsylvania, 850,089; Rhode Island, _____; South Carolina, 126,165; South Dakota, 3,254,973; Tennessee, 376,432; Texas, 4,253,335; Utah, 235,469; Vermont, _____; Virginia, 525,716; Washington, 1,850,918; West Virginia, 131,521; Wisconsin, 99,047; Wyoming, 338,583; total, 62,000,000.

(3) *County acreage allotments.* County acreage allotments of wheat shall be determined by distributing the State acreage allotment of wheat among the counties in such State pro rata on the basis of the acreage seeded for the production of wheat plus the acreage diverted under agricultural adjustment or conservation programs in such counties during the ten years 1930 to 1939, with appropriate adjustments for abnormal weather conditions and trends in acreage.

(4) *Farm acreage allotments.* Farm acreage allotments of wheat shall be determined for farms on which wheat has been planted for harvest in one or more of the years 1938, 1939, and 1940, on the basis of tillable acreage and crop rotation practices, as reflected in the usual acreages of wheat on the farms, with adjustments of not to exceed 25 percent on account of the type of soil and topography. The usual acreage shall be the average annual acreage of wheat seeded for harvest plus the acreage diverted from the production of wheat under agricultural adjustment and conservation programs during three or more consecutive years of the period 1935–1940. Years in which the acreage seeded to wheat (a) was abnormally low due to extreme flood or drought, (b) is not typical of the farm for 1941 due to customary crop rotation practices, a change in such practices, or a change in the acreage of cropland on the farm, or (c) was abnormally high due to failure of crops other than wheat, shall be eliminated in determining the usual acreage. If all the years of the period are either thus eliminated or eliminated for lack of data, the usual acreage shall be appraised by comparing the farm with other farms in the community or county which are similar with respect to crop rotation practices, tillable acres, type of soil and topography, and for which usual acreages have been determined, or by the ratio of wheat acreage to cropland in the community or in the county. For those farms for which the usual acreages used in determining 1940 farm wheat allotments satisfy the foregoing conditions, the 1940 usual wheat acreages may be used in determining 1941 wheat allotments. The county acreage allotment of wheat, less appropriate reserves, shall be apportioned on the basis of the usual acreages so determined.

Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in a county on which wheat will be seeded for harvest in 1941 but on which wheat was not seeded for harvest in any one of the three years 1938, 1939, and 1940, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. If the acreage seeded to wheat for harvest in 1941 on any such farm is less than the 1941 wheat acreage allotment, the allotment shall be reduced to the acreage seeded to wheat.

The wheat acreage allotment for any farm shall compare with the wheat acreage allotments determined for other farms in the same community which are similar with respect to the foregoing factors and the wheat acreage allotments determined for farms in a county shall not exceed their proportionate share of the county wheat acreage allotment.

(5) *Usual acreage of wheat.* Usual acreages of wheat shall be determined for all non-wheat-allotment farms in Area B and in Area C on which the normal

acreage of wheat harvested as grain, or for any other purpose after reaching maturity, is more than ten acres. The usual acreage of wheat shall be determined on the basis of the past acreage with due allowance for diversion under previous programs, the effects of abnormal weather conditions, tillable acreage, crop rotation practices, type of soil, and topography. The sum of the usual wheat acreages determined for such farms in a county shall not exceed the sum of the average acreages of wheat harvested for grain, or for any other purpose after reaching maturity, on such farms for a period to be determined for each State, which shall be two or more consecutive years of the period 1937-1939, except upon approval by the Agricultural Adjustment Administration where it is found that such average acreages were not representative because of abnormal weather conditions or marked shifts in cropping practices in the county.

(6) *Normal yields.* For each farm for which a wheat acreage allotment is determined or a deduction is computed, a normal yield shall be determined as follows:

(i) Where reliable records of the actual average yields per acre of wheat for the ten years 1930 to 1939 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions.

(ii) If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield for years for which data are available, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period.

(iii) The yields determined under subdivision (ii) of this subparagraph (6) shall be adjusted so that the weighted average of the normal yields for all farms in the county shall not exceed the county yield established by the Secretary.

(7) *Non-wheat-allotment farm* means (i) a farm for which no wheat acreage allotment is determined or (ii) a farm for which a wheat acreage allotment is determined and the county committee approves, in accordance with instructions issued by the Agricultural Adjustment Administration, the classification of such farm for the purposes of the 1941 program as a non-wheat-allotment farm.

(8) *Acreage planted to wheat* means (i) any acreage of land devoted to seeded wheat (except when such crop is seeded in a mixture designated by the Agricultural Adjustment Administration upon recommendation of the State committee as a mixture which may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed); (ii) any acreage of volunteer wheat which is harvested or remains on the land after the final date for disposing of volunteer wheat, such date to be specified by the regional director upon recommendation of the State committee; (iii) any acreage of land which is seeded to a mixture containing wheat designated under (i) above but on which the crops other than wheat fail to reach maturity and the wheat reaches maturity: *Provided*, That upon recommendation of the State committee and approval by the regional director, an acreage not in excess of the larger of three acres or three percent of the allotment, unintentionally planted in excess of the allotment, shall not be considered as planted to wheat if disposed of in a manner and within the time specified by the regional director.

(9) *Payment.* (Wheat-allotment farms) _____ cents per bushel of the normal yield of wheat for the farm for each acre in its wheat acreage allotment.

(10) *Deduction.* (i) (Wheat-allotment farms) _____ cents per bushel of the normal yield for the farm for each acre planted to wheat in excess of its wheat acreage allotment.

(ii) (Non-wheat-allotment farms) _____ cents per bushel of the normal yield for the farm for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of its wheat acreage allotment or 10 acres, whichever is larger, in Area A; in excess of the usual acreage of wheat for the farm or 10 acres, whichever is larger, in Area B in the Western Region and in Area C; in excess of the largest of (a) the usual acreage of wheat for the farm, (b) 10 acres, or (c) if no wheat is marketed from the farm, three acres per family on the farm in Area B in the Southern and East Central Regions.

(f) (1) *General and total soil-depleting—* (i) *National goal.* The 1941 national goal for total soil-depleting crops is _____ to _____ acres.

(2) *National and State acreage allotments.* The national and State total soil-depleting acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* County acreage allotments of total soil-depleting crops shall be determined by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the total soil-depleting acreage allotments determined in connection with the 1940 Agricultural Conservation Program, with due allowance for trends in acreage of soil-depleting crops, changes in area designations and crop classifications, the acreage of food and feed crops needed for home consumption in the county, and the relationship of the special crop acreage allotments determined for 1940 to the special crop acreage allotments determined for 1941.

(4) *Farm acreage allotments.* Total soil-depleting acreage allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops, including sugar beets and sugarcane for sugar, customarily grown on the farm, and, in areas where the Agricultural Adjustment Administration finds it applicable, the acreage of food and feed crops needed for home consumption on the farm, taking into consideration special crop acreage allotments determined for the farm.

For those farms for which the 1940 total soil-depleting allotments reflect these factors in accordance with the conditions applicable in 1941, the 1940 allotments may be used in determining 1941 allotments. For farms for which such factors are not so reflected in the 1940 allotments, an acreage shall be determined which reflects the factors as applicable in 1941. Such acreage shall be determined on the basis of the foregoing factors or the average ratio of 1940 total soil-depleting allotments to cropland for similar farms in the county if such ratio accurately reflects these factors.

The total soil-depleting acreage allotment for any farm shall compare with the total soil-depleting acreage allotments determined for other farms in the same community which are similar with respect to such factors. The total soil-depleting allotments determined for the farms in a county shall not exceed their proportionate share of the county total soil-depleting allotment.

Total soil-depleting acreage allotments will be determined for all farms in Area A and for farms for which a special crop acreage allotment (other than a commercial vegetable acreage allotment) is determined in Area B: *Provided*, That total soil-depleting acreage allotments shall not be determined in counties, groups of counties, or States in Area B where the provisions of subparagraphs (5), (6), or (7) of paragraph (k) of this section are applicable.

(5) *Productivity indexes.* The Secretary will establish for each county or portion of a county, in Area A, a county productivity index or per-acre rates of payment and deduction.

A productivity index or per-acre rates shall be determined for each farm in Area A upon the basis of the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of any crop that does accurately reflect the productivity of the farm may be used. Where the 1940 productivity index or per-acre rates accurately reflect the productivity of a farm for 1941 such productivity index or per-acre rates may be used for the 1941 program. The pro-

ductivity index or per-acre rates for such farm shall be fair and equitable as compared with the productivity indexes or per-acre rates for other farms in the county.

The average productivity index or per-acre rates for all farms for which productivity indexes or per-acre rates are determined in the county shall not exceed 100, the county per-acre rates, or the county productivity index, whichever is applicable.

(6) *Non-general-allotment farm* means a farm in Area A (a) for which no total soil-depleting allotment is determined, (b) for which a total soil-depleting acreage allotment (excluding the cotton acreage allotment) of 20 acres or less is determined, or (c) in areas where the productivity index is less than 75, designated by the Agricultural Adjustment Administration upon recommendation of the State committee, for which a total soil-depleting acreage allotment (excluding the cotton acreage allotment) of 30 acres or less is determined; and the county committee approves, in accordance with instructions of the Agricultural Adjustment Administration, the classification of such farm as a non-general-allotment farm.

(7) *General soil-depleting crops* or *general crops* means all crops and land uses listed in the definition of soil-depleting acreage, except (1) corn, wheat, cotton, rice, tobacco, potatoes, peanuts, and commercial vegetables, where a separate payment or deduction is computed for the farm with respect to such crop, and (2) sugar beets and sugarcane for sugar: *Provided*, That corn on a non-corn-allotment farm, wheat on a non-wheat-allotment farm, vegetables on a non-vegetable-allotment farm in a commercial vegetable county, and potatoes on a non-potato-allotment farm in a commercial potato county, shall always be regarded as general crops for the purpose of determining the division of the net payment or net deduction computed with respect to general crops. All or any part of any acreage of corn, rice, potatoes, or any general soil-depleting crop which is totally destroyed before maturity by flood, insects, or any other cause beyond the control of the operator, may be considered as not having been devoted to a soil-depleting crop for purposes of determining the total acreage of soil-depleting crops if replaced by other acreage devoted to a soil-depleting crop.

(8) *Payment.* (Farms in Area A, except non-general-allotment farms) _____ per acre, adjusted for the productivity of the farm, for each acre in the total soil-depleting acreage allotment determined for the farm in excess of the sum of (i) the special crop acreages with respect to which a payment is computed for the farm and (ii) the acreage of sugar beets planted for harvest in 1941 for the extraction of sugar.

(9) *Deductions.* (i) (Farms in Area A, except non-general-allotment farms) _____ per acre, adjusted for the productivity of the farm, for each acre of the soil-depleting acreage in excess of the sum of the total soil-depleting acreage allotment determined for the farm and the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section.

(ii) (Non-general-allotment farms in Area A) _____ per acre, adjusted for the productivity of the farm, for each acre of the soil-depleting acreage in excess of the sum of (1) 20 acres, or in areas designated under subparagraph (6) (c), 30 acres, (2) the cotton acreage allotment determined for the farm, and (3) the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section.

(iii) (Farms in Area B for which a total soil-depleting acreage allotment is determined) ____ for each acre classified as soil-depleting in excess of the larger of (1) the total soil-depleting acreage allotment determined for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section, or (2) 30 acres plus the acreages on which cotton is planted or tobacco is harvested.

(j) *Restoration land*—(1) *Farm restoration land.* Restoration land shall be designated on the basis of the land in the farm which was designated as restoration land under the 1940 program and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which because of its physical condition and texture and because of climatic conditions a permanent vegetative cover should be restored: *Provided*, That, except for a farm which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion control purposes, new resoration land shall be designated only on a farm which is operated by the owner, or where such designation has been approved by the owner in the case of a tenant-operated farm. The county committee shall designate practices to be applied to restoration land determined to be in need of additional practices. Land formerly designated as restoration land shall be reclassified as noncrop pasture or range land unless the county committee determines, in accordance with instructions of the State committee, that a permanent vegetative cover has not been restored. Land formerly designated as restoration land may, if such land is improperly designated, be restored to its former cropland status with the approval of the State committee when offset by an equal acreage of land in the county, or in such other areas as are approved by the Agricultural Adjustment Administration, which is properly designated for the first time in 1941 as restoration land.

(2) *Restoration land* means farm land in any area designated by the Agricultural Adjustment Administration as an area subject to serious wind erosion or as an area containing large acreages unsuited to continued production of cultivated crops, which has been cropped at least once since January 1, 1930, and which is designated by the county committee as land on which because of its physical condition and texture and because of climatic conditions a permanent vegetative cover should be restored.

(3) *Payment.* _____ cents per acre for each acre of restoration land designated for the farm.

(4) *Deduction.* _____ for each acre of restoration land and any land previously designated as restoration land which has been reclassified as noncrop pasture or range land which is plowed or tilled in 1941 for any purpose other than tillage practices to protect the land from wind erosion or tillage operations in connection with the seeding of an approved nondepleting cover crop or permanent grass mixture.

(k) *Miscellaneous*—(1) *Deduction for failure to prevent wind or water erosion.* _____ for each acre of land in an area designated by the Agricultural Adjustment Administration as subject to serious wind or water erosion hazards with respect to which there are not adopted in 1941 methods recommended by the county committee and approved by the State committee for the prevention of wind or water erosion or both: *Provided*, That in counties designated by the Agricultural Adjustment Administration upon recommendation of the State committee the rate shall be _____ cents per acre for each time wind or water erosion control methods recommended by the county committee are not carried out in 1941 by the date specified by the committee.

(2) *Deduction for breaking out native sod.* $_____ for each acre of native sod, or any other land on which a permanent vegetative cover has been established, broken out in any area designated by the Agricultural Adjustment Administration as an area subject to serious wind erosion or as an area containing large acreages unsuited to continuing production of cultivated crops, during the 1941 program year, less the acreage broken out with the approval of the county committee for the planting of forest trees or as a good farming practice for which an acreage of cropland other than restoration land is restored to permanent vegetative cover.

(3) *Failure to plant 80 percent of allotment.* Upon recommendation of the State committee and approval by the Agricultural Adjustment Administration, for areas in which there is wide fluctuation from year to year in the acreage planted to corn, cotton, peanuts, potatoes, rice, tobacco, wheat, or general soil-depleting crops on a substantial number of farms, if the acreage of any such crop is less than 80 percent of the acreage allotment for such crop, payment will be

computed on an acreage equal to 125 percent of the acreage planted to such crop, unless the county committee finds that failure to plant 80 percent of such acreage allotment was due to flood or drought.

(4) *Correction of errors.* Notwithstanding any other provision of this section, where the Agricultural Adjustment Administration finds that an error in a county or State office resulted in an allotment, yield, or productivity index for a farm which is substantially less than that which would otherwise have been determined, the correction of such allotment, yield, or productivity index may be authorized without requiring a redetermination of other farm allotments, yields, or productivity indexes in the county, unless such error has resulted in farm allotments, yields, or productivity indexes for other farms in the county which are substantially higher than they otherwise would have been.

(5) *Farm conservation plan.* In counties, groups of counties, or States, upon recommendation of the State committee and the approval of the Agricultural Adjustment Administration, the net payment that would otherwise be made with respect to crop allotments for any farm in the county, group of counties, or State, as the case may be, shall be reduced by 5 percent for each 10 percent by which the producers on the farm fail to carry out during the 1941 program year that part approved for that year of a farm conservation plan approved for the farm as one which, over a period of five years, will conserve the soil and increase its productivity. Such a plan shall provide for the carrying-out on the various parts of the farm of the soil-building practices needed for the proper balance between the various kinds of crops grown, for the elimination of erosion hazards, for the restoration of the necessary humus to the soil, and other good land uses. The amount of the deductions made under this provision, as estimated by the Agricultural Adjustment Administration, shall be available in the State or county where deducted for administrative expenses and for conservation materials for which a soil-building practice payment will not be made and for which no deduction from payments will be made if the material is properly used.

(6) *Minimum acreage of erosion-resisting crops.* In counties, groups of counties, or States in Area B or C, upon recommendation of the State committee and approval of the Agricultural Adjustment Administration, a deduction of $5.00 shall be made for each acre by which the acreage of erosion-resisting crops and land uses on the farm is less than the required acreage of such crops and land uses. Such deduction shall be made in the case of farms for which a special soil-depleting acreage allotment (other than a commercial vegetable allotment) is determined. The required acreage of erosion-resisting crops and land uses shall be a percentage of the cropland on the farm equal to the percentage obtained by dividing the acreage of cropland in the county, group of counties, or State which is in excess of the total soil-depleting allotment under the 1940 program for such area by the total acreage of cropland on all farms in the area, but in no case will the required acreage of erosion-resisting crops and land uses be less than 15 percent nor more than 30 percent of the cropland on the farm. Erosion-resisting crops and land uses for any county or State shall be determined by the State committee, with the approval of the Agricultural Adjustment Administration, and may include only cropland which is devoted in the program year to one or more of the following crops or uses:

Biennial or perennial legumes.
Perennial grasses.
Lespedeza.
Crotalaria.
Ryegrass.
Green manure crops.
Cowpeas.
Natal grass.
Winter legumes.
Soybeans from which seed are not harvested by mechanical means.
Sweet clover.
Fall seeded small grains not classified as soil-depleting.
Velvet beans.
Forest trees.
Fallow rice land.
Land on which approved terraces are constructed and no soil-depleting crop is grown.

Such acreage may be planted on land from which a soil-depleting crop is harvested under the 1941 program, but acreages of these crops interplanted with soil-depleting row crops shall not be counted.

(7) *Minimum soil-building performance.* Notwithstanding any provisions herein, in counties, groups of counties, or States in Area B or C, upon recommendation of the State committee and approval of the Agricultural Adjustment Administration, the payment made with respect to special soil-depleting acreage allotments shall not exceed a percentage of the net payment earned with respect to such allotments equal to the percentage of the soil-building allowance which is earned for the farm. In determining performance under this subparagraph, in areas designated by the Agricultural Adjustment Administration where the allowance on noncrop open pasture is the major portion of the soil-building allowance on a substantial number of farms, the allowance on noncrop open pasture shall not be included. This subparagraph is applicable only to farms for which a special soil-depleting acreage allotment is determined. In areas where it is in effect, the rates used in determining the soil-building allowance will be approximately _____ percent less than in areas where it is not applicable. The amount of the deductions made from farm payments under this provision, as estimated by the Agricultural Adjustment Administration, shall be available for use in the area where deducted for administrative expenses and for conservation materials for which a soil-building practice payment will not be made and for which no deduction from payments will be made if the material is properly used.*

§ 701.202 *Soil-building goals, payments, and practices*—(a) *National goal.* The national goal is the conservation of farm land, the restoration, insofar as is practicable, of a permanent vegetative cover on land not needed for or unsuited to the continued production of cultivated crops, and the carrying-out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

(b) *County goals.* County goals may be established for particular soil-building practices which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion. The county committee, with the approval of the State committee, may designate those practices which will be approved for payment in the county in order that the soil-building allowance will be used most effectively to bring about added conservation and to secure the carrying out of soil-building practices most needed on farms in the county.

The county committee, with the approval of the State committee, may specify for any group of farms in the county a proportion of the soil-building allowance which may be earned only by carrying out designated soil-building practices which are most needed and are not routine.

(c) *Farm goals.* Insofar as practicable, the county committee shall determine for individual farms practices to be carried out which are not routine farming practices on the farm, but which are needed on the farm in order to conserve and improve soil fertility and prevent wind and water erosion and which will tend to accomplish the goals established for the county with respect to particular soil-building practices.

(d) *Soil-building allowance.* The soil-building allowance, which is the maximum payment that will be made for carrying out soil-building practices, shall be the sum of the following: *Provided,* That for any farm with respect to which the sum of the maximum payments computed under section 701.201 and subparagraphs 1 to 7, inclusive, of this paragraph (d) is less than $20.00, the amount determined under this paragraph (d) shall be increased by the amount of the difference:

(1) _____ cents per acre of cropland in the farm in excess of the total soil-

*§§ 701.201 to 701.215, inclusive, are issued under the authority contained in secs. 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216; Public, No. 716, approved July 2, 1940; 16 U.S.C., Sup. IV, 590g–590q.

depleting acreage allotment for the farm (applicable only to farms in Area A);

(2) _____ per acre of commercial orchards on the farm, except that in the Southern Region (where the commercial orchard acreage is not excluded from the acreage of cropland) the rate shall be _____ per acre.

(3) (i) _____ cents per acre of noncrop open pasture land in the farm, plus _____ for each animal unit of grazing capacity (on a 12-month basis) of such pasture, in the North Central Region, Kansas, California, Oklahoma, and Texas: *Provided*, That for any county or group of counties where the grazing capacity of the noncrop open pasture land is reasonably uniform such payment may, upon approval of the Agricultural Adjustment Administration, be computed at a flat rate per acre of noncrop open pasture land, such rate to be not greater than the average amount of payment per acre of noncrop open pasture land determined for such county or group of counties on the basis of the foregoing rate: *Provided further*, That the amounts computed under this subdivision shall not be less than _____ cents times the number of such acres or _____ acres, whichever is smaller; and *Provided further*, That such payment may be computed at a flat rate for each farm in any county, which rate shall be determined for the farm by the county committee on the basis of the above rates;

(ii) _____ cents per acre of noncrop open pasture land, plus _____ cents for each animal unit of grazing capacity (on a 12-month basis) of such pasture, in North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Oregon, and Washington: *Provided*, That for any county or group of counties where the grazing capacity of the noncrop open pasture land is reasonably uniform such payment may, upon approval of the Agricultural Adjustment Administration, be computed at a flat rate per acre of noncrop open pasture land, such rate to be not greater than the average amount of payment per acre of noncrop pasture land determined for such county or group of counties on the basis of the foregoing rate: *Provided further*, That the amounts computed under this subdivision shall not be less than _____ cents times the number of such acres or _____ acres, whichever is smaller; and *Provided further*, That such payment may be computed at a flat rate for each farm in any county, which rate shall be determined for the farm by the county committee on the basis of the above rates.

(iii) _____ cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land, in the East Central Region and in States in the Southern Region other than Texas and Oklahoma;

(iv) _____ cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land, in the Northeast Region.

(4) _____ cents per acre of cropland in excess of the sum of (1) the special crop acreages with respect to which payments are computed other than commercial vegetable acreage and (2) the acreage of sugar beets planted for harvest in 1941 for the extraction of sugar, and sugarcane grown for harvest in 1941 for the extraction of sugar (applicable only to farms in Area B and Area C);

(5) _____ cents for each acre with respect to which a commercial vegetable payment is computed under section 701.201 (applicable only to farms in the vegetable allotment area in Area A);

(6) $_____ per acre, adjusted for the productivity of the farm, for each acre in the total soil-depleting acreage allotment for the farm in excess of the sum of (1) the special crop acreages with respect to which payments are computed for the farm and (2) the acreage of sugar beets planted for harvest in 1941 for the extraction of sugar (applicable only to nongeneral-allotment farms in Area A);

(7) _____ cents per acre for each acre of restoration land for the farm; and

(8) $15.00 or the amount earned by planting forest trees, whichever is smaller.

(e) *Deduction for failure to maintain practices under previous programs.* Where the county committee, in accordance with instructions of the State committee, determines that (1) terraces constructed, forest trees planted, or pastures established under previous agricultural conservation programs are not maintained in accordance with good farming practices, (2) seedings of perennial legumes or grasses are destroyed after producers have been informed that the destruction of such legumes or grasses is contrary to good farming practice, or (3) the effectiveness of any soil-building practice carried out under a previous program is destroyed in 1941 contrary to good farming practice, there shall be deducted from payments which would otherwise be made with respect to the farm an amount equal to the payment which would be made under the 1941 program for a similar amount of such practices.

(f) *Soil-building practices.* Such of the soil-building practices listed in the following schedule as the county and State committees and the Agricultural Adjustment Administration determines are adapted to any area and should be encouraged in such area may qualify for payment at rates not greater than the rates indicated therein when such practices are carried out under the provisions of the 1941 program during a period of not more than 12 months, ending between June 30 and December 31, 1941, inclusive, in accordance with specifications issued by the regional director, or by the State committee with the approval of the regional director. The areas designated for any soil-building practice shall be areas in which such practice is desirable and necessary as a conservation measure. The specifications issued shall be such as to assure that the soil-building practice will be performed in a workmanlike manner and in accordance with good farming practice for the locality.

If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or other materials furnished by any State or Federal agency other than the Agricultural Adjustment Administration, no payment will be made for such practice. If less than one-half of the total cost of carrying out any practice is represented by such items, payment shall be made for one-half of such practice. Labor, seed, trees, and materials furnished to a State or political subdivision of a State or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State * * * agency" within the meaning of this paragraph.

Soil-building practices carried out with the use of equipment furnished by the Soil Conservation Service shall not, by virtue of the use of such equipment, be deemed to have been paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to have been paid for in whole or in part by a State or Federal agency. No payment will be made for planting trees furnished by the Forest Service in connection with the Prairie States Forestry Project.

SCHEDULES OF SOIL-BUILDING PRACTICES AND MAXIMUM RATES

The rates of payment listed below are the maximum rates allowable, and the rate of payment for any practice included shall, if necessary in order to reflect relative costs or desirability of the practice for any State or area within a State, be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration.

Application of materials. (1) Application of the following materials to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, Natal grass, or permanent pasture, and, in the case of phosphate, to, or in connection with, green manure crops in orchards, and, in New England, with manure in stables or on dropping boards for use other than on commercial vegetables, potatoes, tobacco, and corn or wheat for grain. If these materials are applied to any eligible crops seeded or grown in connection with a soil-depleting crop, payment shall be made for only such proportionate part, if any, of the material applied as is

specified by the Agricultural Adjustment Administration.

(i) 48 pounds of available P_2O_5—$1.50.

(ii) 1 bag of not less than 100 pounds of triple superphosphate furnished by the Agricultural Adjustment Administration—$1.50.

(iii) 150 pounds of 50-percent muriate of potash (or its equivalent)—$1.50.

(iv) 500 pounds of basic slag or rock (or colloidal) phosphate—$1.50.

(2) Application of 300 pounds of gypsum containing not less than 18 percent sulphur (or its sulphur equivalent)—$1.50.

(3) Application of air-dry straw or equivalent mulching material (excluding barnyard and stable manure) in orchards or on commercial vegetable land. In areas where straw normally costs

(i) $5.00 or less per ton—$0.75 per ton.

(ii) More than $5.00 per ton—$3.00 per ton.

(4) Application of ground limestone (or its equivalent) in any area designated by the Agricultural Adjustment Administration as an area in which the average cost of bulk ground limestone delivered to the farm is:

Not more than $2.00 per ton—$1.50.

More than $2.00 but not more than $2.75 per ton—$2.00.

More than $2.75 but not more than $3.25 per ton—$2.50.

More than $3.25 but not more than $3.75 per ton—$3.00.

More than $3.75 but not more than $4.25 per ton—$3.50.

More than $4.25 but not more than $4.75 per ton—$4.00.

More than $4.75 but not more than $5.25 per ton—$4.50.

More than $5.25 but not more than $5.75 per ton—$5.00.

More than $5.75 but not more than $6.25 per ton—$5.50.

Over $6.25 per ton—$6.00.

Seedings. (5) Seeding alfalfa or lespedeza sericea—$1.50 per acre.

(6) Seeding permanent grasses or permanent pasture mixtures containing a full seeding of legumes or grasses, or both, other than timothy and redtop (applicable only to varieties and areas designated by the Agricultural Adjustment Administration with respect to which the cost of establishing improved pastures is exceptionally high and their increase is important)—$3.00 per acre.

(7) Seeding annual lespedeza, annual ryegrass, annual sweet clover, biennial legumes, perennial legumes, perennial grasses (other than timothy or redtop), or mixtures (other than a mixture consisting solely of timothy and redtop) containing biennial legumes, perennial legumes, or perennial grasses (except any of such crops qualifying at a higher rate of credit under any other practice listed in this paragraph (f))—75 cents per acre.

(8) (i) Seeding winter legumes, crotalaria or strawberry, ladino, or white clover—$1.50 per acre.

(ii) Seeding annual lespedeza in the Southern Region—$1.00 per acre.

(9) Establishment of a permanent vegetative cover by planting Kudzu or sod pieces of perennial grasses—$4.50 per acre.

(10) Seeding timothy or redtop or a mixture consisting solely of timothy and redtop—40 cents per acre.

Pasture improvement. (11) Reseeding depleted pastures or restoration land with good seed of adapted pasture grasses, perennial or biennial legumes or approved pasture mixtures—15 cents per pound.

(12) Natural reseeding of noncrop open pasture by nongrazing during the normal pasture season on an acreage equal to the number of acres of such pasture required to carry one animal unit for a 12-month period—$2.00.

(13) With prior approval of the county committee, development of springs or seeps for furnishing water for livestock by excavation at the source: *Provided* (1) that the source is protected from trampling and at least 20 cubic feet of available water storage is provided and (2) that the total cost of the development is not less than $20.00. The minimum payment for a single development under this practice shall be $20.00 and the maximum payment shall be $100.00. (This practice is applicable only in arid or semi-arid areas.)—30 cents per cubic foot of soil or gravel and 50 cents per cubic foot in rock formation.

(14) *Construction of reservoirs and dams.*—15 cents per cubic yard of material moved not in excess of 2,000 cubic yards for each development, and 10 cents per cubic yard of material moved in excess of 2,000 cubic yards in making the fill or excavation, or $6.00 per cubic yard of concrete or rubble masonry.

(15) With prior approval of the county committee, improvement of noncrop open pasture land which the county committee determines will, when improved, be capable of carrying at least one animal unit for each two acres during a pasture season of at least four months. Improvement shall include uprooting and removal of shrubs, leveling hummocks, carrying out an adequate system of mowing, and removing loose stones. Payment will not be made unless sufficient liming materials, fertilizer, and seed, where needed, are applied to obtain a good stand.—$3.00 per acre.

(16) *Control of destructive plants on noncrop pasture land*—(i) Prickly pear and cactus:

(1) Light infestation—$0.50 per acre.
(2) Medium infestation—0.75 per acre.
(3) Heavy infestation—$1.00 per acre.

(ii) Mesquite:

(1) Light infestation—$0.50 per acre.
(2) Medium infestation—1.00 per acre.
(3) Heavy infestation—2.00 per acre.

(iii) Cedar:

(1) Light infestation—$0.75 per acre.
(2) Medium infestation—1.00 per acre.
(3) Heavy infestation—1.50 per acre.

(iv) Lechuguilla:

(1) Heavy infestation—$0.50 per acre.

(v) St. Johns Wort:

(1) Medium infestation—$2.00 per acre.

(vi) Sagebrush:

(1) Heavy infestation—$0.50 per acre.

Provided, That if the county committee determines that the control of destructive plants under this practice will reduce the vegetative cover to such an extent as to cause increased soil erosion, artificial reseeding shall also be required.

Green manure crops and cover crops. (17) Green manure crops of which a good stand and good growth is plowed or disced under on land not subject to erosion or, if subject to erosion, such crop is followed by a winter cover crop. Green manure crops shall not include (1) lespedeza; (2) any crop except winter legumes for which payment is made under the 1941 program under any other practice; (3) wheat on non-irrigated land, except in humid areas designated by the Agricultural Adjustment Administration; and (4) such other crops as may be determined by the Agricultural Adjustment Administration as not qualifiable for any area.

Summer non-legumes—75 cents per acre.

Other green manure crops—$1.50 per acre.

(18) Cover crops of which a good stand and good growth is left on land subject to erosion or on such other land as is designated by the Agricultural Adjustment Administration. Cover crops shall not include (1) lespedeza; (2) any crop except winter legumes for which payment is made under the 1941 program under any other practice; (3) soybeans from which seed is harvested by mechanical means; and (4) such other crops as may be determined by the Agricultural Adjustment Administration as not qualified for any area.

Summer non-legumes—75 cents per acre.

Other cover crops—$1.50 per acre.

(19) Summer legumes not classified as soil-depleting (interplanted or grown in combination with intertilled row crops) of which a good stand and good growth is obtained and the forage is not harvested, excluding soybeans from which seed is removed by mechanical means—30 cents per acre.

Erosion control. (20) Contour ridging or terracing of noncrop open pasture land—100 linear feet of ridge or terrace—15 cents.

(21) Construction of diversion ditches in the Northeast Region—$1.50 per 100 feet.

(22) Construction of standard terrace for which proper outlets are provided—75 cents per 100 feet.

(23) Construction of concrete, rubble masonry, or treated lumber check dams or drops and measuring weirs for the control of erosion, leaching, and seepage of farmland—

Concrete or rubble masonry—25 cents per cubic foot.

Treated lumber—$3.00 per 100 board feet.

(24) Construction of ditching with a depth of one foot and a top width of four feet, or the cubic equivalent thereof, for the diversion and spreading of flood water or well water on restoration land, cropland, pasture land, or hay land (applicable only in arid and semi-arid areas)—50 cents per 100 linear feet.

(25) Construction of rip-rap of rock or other suitable material specified by the Agricultural Adjustment Administration along water courses for the control of erosion of farm land—50 cents per square yard of exposed surface.

(26) Protecting muck land subject to serious wind erosion by establishing or maintaining approved shrub windbreaks—75 cents per acre.

(27) Contour listing, deep or shallow subsoiling, or contour furrowing of noncrop land—2½ cents per 100 linear feet, but not to exceed 75 cents per acre.

(28) Leaving on the land as a protection against wind erosion (only in wind-erosion areas designated by the Agricultural Adjustment Administration) the stalks of sorghums (including broomcorn), millet, or Sudan grass, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1942 (except any of such crops qualifying at a higher rate of credit under any other practice listed in this paragraph (f)—35 cents per acre.

(29) Protecting land, which was properly designated as restoration land for the first time in 1939, on which the county committee finds that no soil-building practice is needed in 1941 for the establishment of a permanent vegetative cover—35 cents per acre.

(30) Maintenance of a protective vegetative cover on cropland cropped in 1940 and fallowed in 1939 where it is determined by the county committee that such cover is necessary as a protection against erosion (applicable only in alternate summer-fallow areas designated by the Agricultural Adjustment Administration upon recommendation of the State committee)—35 cents per acre.

(31) Stripcropping, including protection of summer fallow by means of strip fallowing—35 cents per acre.

(32) Protecting summer-fallowed acreage from wind and water erosion by contour listing, pit cultivation, or incorporating stubble and straw into the surface soil (no credit will be given for this practice when carried out on light sandy soils or on soils in any area where destruction of the vegetative cover results in the land becoming subject to serious wind erosion)—35 cents per acre.

(33) Contour farming intertilled crops in areas where such crops are not normally farmed on the contour—20 cents per acre.

(34) Contour listing (except when carried out on protected summer-fallowed acreage or as a part of a seeding operation)—25 cents per acre.

(35) Pit cultivation, pits to be at least four inches in depth below surface of soil and constructed so that surfaces of pits cover at least 25 percent of the ground surface (no credit will be given for this practice when carried out on protected summer-fallowed acreage or as a part of a seeding operation)—15 cents per acre.

(36) Contour seeding of small grain crops, sorghums, millets, soybeans, and peas, when drilled in areas where such crops are not ordinarily seeded on the contour—15 cents per acre.

(37) Listing at right angles to prevailing winds after September 15 and not later than November 30 on unprotected cropland in arid or semi-arid areas (except when carried out on protected summer fallow or as a part of a seeding operation)—15 cents per acre.

(38) Establishing permanent sod waterway on cropland which is used for an intertilled crop or summer fallow in 1941 or in cultivated orchards. No waterway will be approved with an average width of less than 10 feet. The channel of the waterway must be sufficiently wide at all points to carry all water diverted into it under conditions of maximum probable rainfall—25 cents per 100 linear feet.

(39) Constructing dams in waterways or gullies on farm land. No dams will be approved where less than six dams are constructed in any one waterway or gully. Stake, wire, sod, brush, or rock dams, and similar structures will be regarded as dams for purposes of this practice—25 cents per dam.

Forestry. (40) Cultivating, protecting, and maintaining, by replanting if necessary, a good stand of forest trees, or a mixture of forest trees and shrubs suitable for wild life, planted between July 1, 1937, and July 1, 1941. (Payment will not be made for this practice in the case of trees for which payment is made for planting under the 1941 program.)—$3.00 per acre.

(41) With prior approval of the county committee, improving a stand of forest trees under such approved system of farm woodlot and wild life management as is specified by the Agricultural Adjustment Administration—$3.00 per acre.

(42) Planting forest tree seedlings (including shrubs beneficial to wild life) or forest tree nuts, provided such trees or shrubs are protected from fire and grazing and cultivated in accordance with good tree culture and wild life management practice—$7.50 per acre.

(43) Farm woodland fire protection by the construction of firebreaks. In order to qualify under this practice the woodland must be protected from burning during the year for which payment is made and must be protected from adjoining grassland or woodland by a barrier to fire which may be (1) a firebreak at least six feet wide cleared of all inflammable material to mineral soil or (2) a natural barrier such as a road or stream. Woodland areas must be divided into blocks of not more than 20 acres each by a firebreak. No payment shall be made under this practice where controlled burning is practiced. (Woodland areas qualifying for payment under practices (40), (41), (42), and (44) and the Naval Stores Conservation Program will not qualify under this practice)—10 cents per 100 linear feet of firebreak constructed.

(44) Restoration of farm woodlots, normally overgrazed, by non-grazing and fire protection during the entire 1941 program year (credit will not be allowed for more than two acres of woodland for each animal unit normally grazed on such woodland)—35 cents per acre.

Orchard practices. (45) Upon prior approval of the county committee, maintenance of a permanent cover in orchards or vineyards on irrigated land subject to erosion—$0.75 per acre.

(46) Upon prior approval of the county committee, changing from erosive methods of irrigation to contour irrigation on sloping orchards and vineyards. Payment shall be made only in the year in which the change is made—$1.50 per acre.

(47) Upon prior approval of the county committee, planting fruit and nut trees on the contour where because of slope it is necessary to prevent erosion—$1.50 per acre.

(48) In counties designated by the State committee and approved by the regional director, and with the prior approval of the county committee, the removal of diseased or uneconomic apple trees the major portion of whose fruit is of inferior quality. Payment will be made only for the removal of live permanent trees and not for the removal of filler or semipermanent trees. Land so cleared shall not be used for the growing of soil-depleting crops during the year for which payment is made. No payment shall be made for trees less than 5 inches in diameter. Not more than $15 per acre may be earned under this practice.

For trees 5 to 12 inches in diameter—30 cents per tree.

For trees over 12 inches in diameter—50 cents per tree.

Other practices. (49) Growing a home garden for a landlord, tenant, or sharecropper family on a farm (applicable only in areas designated by the Agricultural Adjustment Administration upon recommendation of the State committee as areas where home gardens generally

are not kept or are inadequate and should be encouraged)—$1.50.

(50) Eradication or control, in accordance with approved methods, of seriously infested plots of perennial noxious weeds designated by the Agricultural Adjustment Administration. Payment for this practice may be approved outside of organized weed control districts only on farms where the infestation is limited to a single farm, approved weed control measures are being carried out on all adjacent infested farms and contiguous land, or the county committee determines that there is no likelihood of reinfestation from adjacent farms or contiguous land—$7.50 per acre.

(51) Applying sand free from stones or loam to a depth of at least one-half inch on fruiting cranberry bogs—$7.50 per acre.

(52) Flooding fruiting cranberry bogs before January 1, 1941, and holding the water on such bogs continuously until June 15, 1941, or a later date as may be determined to be applicable by the State committee—$7.50 per acre.

(53) Renovation of perennial grasses or perennial legumes or mixtures of perennial grasses and perennial legumes—75 cents per acre.

(54) Deep subsoiling cropland or land in orchards (the acreage of this practice shall be computed on the basis of the area so handled, each furrow being considered to occupy an area not in excess of one-half rod in width)—35 cents per acre.

Supplemental practices. (55) Performance of such supplemental conservation practices not normally carried out on the farm as are recommended by the State committee and approved by the Agricultural Adjustment Administration on any farm where 50 percent or more of the sum of the cropland and commercial orchard land as determined at the beginning of the program year is devoted to perennial grasses or perennial legumes—$50.00 or one-half of the soil-building allowance (other than that portion computed on noncrop pasture land in the range combination area), whichever is smaller.

On any farm where the maximum payment that may be earned does not exceed $20.00 (excluding any allowance for planting forest trees), any part of the soil-building allowance may be earned under this practice.*

§ 701.203 *Soil-depleting acreage.* Soil-depleting acreage means the acreage of land devoted during the 1941 crop year to one or more of the following crops or uses. Land on which a volunteer crop is harvested shall be classified as if the crop had been planted.

(a) Corn, including sweet corn and popcorn, planted for any purpose (except sown corn used as a cover crop or green manure crop and sweet corn or popcorn grown in a home garden for use on the farm).

(b) Tobacco harvested for any purpose.[2]

(c) Grain sorghums planted for any purpose.

(d) The acreage planted to cotton.

(e) Sugar beets planted for any purpose or sugar cane grown for any purpose.

(f) Rice planted for any purpose.

(g) Peanuts dug for any purpose (except when grown in home gardens for use on the farm).

(h) Broomcorn planted for any purpose.

(i) Mangels or cowbeets planted for any purpose.

(j) Potatoes planted for any purpose (except when grown in a home garden for use on the farm).

(k) Annual truck and vegetable crops planted for any purpose and, except in States or other areas in which commercial vegetable counties are designated as non-vegetable-allotment areas, perennial vegetables harvested for any purpose (except when grown in a home garden for use on the farm).

(l) Commercial bulbs and flowers, strawberries, mint, commercial mustard, cultivated sunflowers, safflower, or hemp, harvested for any purpose.

(m) Field beans planted for any purpose (except when grown in a home garden for use on the farm or when incorporated into the soil as green manure).

(n) Peas planted for canning, freezing, or dried peas (except when grown in a home garden for use on the farm or when incorporated into the soil as green manure).

(o) Soybeans harvested for seed or when seed matures in Area A except Texas, Oklahoma, Arkansas and the following counties in Missouri: Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, and Stoddard.

(p) Flax planted for any purpose (except when used as a nurse crop for biennial or perennial legumes or perennial grasses which are seeded in a workmanlike manner or, in areas designated by the Agricultural Adjustment Administration as areas where it is not practicable to use flax as a nurse crop, when matched acre for acre by biennial or perennial legumes or perennial grasses seeded alone in a workmanlike manner).

(q) Wheat planted (or regarded as planted) for any purpose on a wheat-allotment farm.

(r) Wheat (on a non-wheat-allotment farm), oats, barley, rye, emmer, speltz, or mixtures of these crops, harvested for grain except, in Austrian winter pea and vetch seed producing areas designated by the Agricultural Adjustment Administration, when seeded in an approved mixture as a support crop for such peas or vetch.

(s) Wheat (on a non-wheat-allotment farm), oats, barley, rye, emmer, speltz, or mixtures of these crops (including designated mixtures containing wheat on any farm), harvested for hay, except when such crops are

(1) used as nurse crops for legumes or perennial grasses which are seeded in a workmanlike manner and the nurse crop is cut green for hay, or

(2) seeded in a mixture containing at least 25 percent by weight of winter legume seeds and harvested for hay.

(t) Buckwheat, Sudan grass, or millet harvested for grain or seed.

(u) Sweet sorghums, when harvested for any purpose in the East Central Region, in the North Central Region except South Dakota and Nebraska, or in Area B in the Southern Region; when harvested for grain, seed, or sirup in the Western Region, in Area A in the Southern Region, or in Nebraska and South Dakota; and when harvested for silage in the commercial corn area in the States of Kansas, Nebraska, and South Dakota.

(v) Land summer-fallowed in the States of Washington, Oregon, Idaho, and Utah (except when such land is seeded in 1941 to a non-depleting crop approved by the Agricultural Adjustment Administration or is irrigated land which is cultivated periodically to control noxious weeds).

(w) Land summer-fallowed in any area and not protected from wind and water erosion by methods approved by the State committee.

(x) Such other similar crops and uses as may be specified by the Agricultural Adjustment Administration.*

§ 701.204 *Division of payments and deductions—*(a) *Payments and deductions in connection with general soil-depleting crops, crops for which special crop acreage allotments are determined, and restoration land.* (1) The net payment or net deduction computed for any farm with respect to general soil-depleting crops, or any crop for which a special acreage allotment is determined, shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either acreages or percentages) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1941. Such determination

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[2] Each acre of Georgia-Florida Type 62 tobacco shall be counted as 9/10 of an acre if (1) an average of at least four top leaves is left on each stalk on all the acreage of such tobacco grown on the farm in 1941 and all such stalks are cut within seven days after harvesting of the other leaves is completed and are either left on the land for the remainder of 1941 or plowed under, and (2) a cover crop of sorghum, cowpeas, velvet beans, alyce clover, or crotalaria, or any mixture of these, is seeded in 1941 on all land on the farm planted to such tobacco and a reasonably good stand and good growth of such cover crop is attained and is plowed under or disced in after it has attained at least three months growth, provided such cover crop shall not qualify for payment as a soil-building practice, regardless of how used.

shall be made at the time the county committee approves the application for payment: *Provided*, That if any such crop is not grown on the farm in 1941 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1941: *Provided further*, That if for any reason the total acreage of cotton on the farm in 1941 is less than 80 percent of the cotton acreage allotment for the farm and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1941 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton acreage allotment had been planted and harvested in 1941, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1941: *And provided further*, That, in cases where two or more separately-owned tracts of land comprise a farm in any area designated by the Agricultural Adjustment Administration as an area in which a substantial proportion of the farms comprise two or more separately-owned tracts of land, and all persons who are entitled to receive a share of the proceeds of any such crop agree as shown by their signatures on the application for payment or a separate statement, the share of each such person in the net payment or net deduction computed with respect to such crop on such farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such crop and also results substantially in a division of such payment or deduction among landlords, tenants, and sharecroppers as classes as each such class shares in the crop, or proceeds thereof, with respect to which the payment or deduction is being made.

(2) The payment computed with respect to restoration land under paragraph (j) (3) of § 701.201 shall be made to the person who is the owner of the land as of June 30, 1941, unless the land is rented for cash or fixed rent, in which case the payment shall be made to the tenant as of such date.

(3) The deductions with respect to (1) corn for grain in Area C, (2) total soil-depleting crops in Area B, (3) failure to prevent wind or water erosion, (4) cropping restoration land, (5) breaking out native sod, (6) failure to carry out a farm conservation plan, (7) insufficient acreage of erosion resisting crops, and (8) insufficient soil-building performance, shall be regarded as deductions with respect to general crops in Area A and as pro rata deductions with respect to the payments computed in connection with special crop acreage allotments in Areas B and C. The deduction for failure to maintain soil-building practices carried out under previous programs shall be divided among the persons who the county committee determines were responsible for the failure to maintain the practices in the proportion that the county committee finds such persons were responsible.

(b) *Payments in connection with soil-building practices.* The amount of net payment earned in carrying out soil-building practices shall be paid to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in the 1941 program, such payment shall be divided in the proportion that such person's contribution to the cost of carrying out such practices bears to the total cost of such practices carried out on the farm in such program. All persons contributing to the carrying-out of any soil-building practice on a particular acreage shall be deemed to have contributed equally to the carrying-out of such practice unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event the payment for such practice shall be divided in the proportion which the county committee determines such persons contributed thereto.

(c) *Proration of net deductions.* If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.*

§ 701.205 *Increase in small payments.* The total payment computed under §§ 701.201 to 701.204 for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to $1.00;

(2) Any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent;

(3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	*Increase in payment*
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

(1) Increase to $200.00.
(2) No increase.

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§ 701.206 *Payments limited to $10,000.* The total of all payments made in connection with programs for 1941 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, terri-

tory, or possession shall not exceed the sum of $10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of $10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made.

All or any part of any payment which has been or otherwise would be made to any person under the 1941 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.*

§ 701.207 *Deductions incurred on other farms*—(a) *Other farms in the same county.* If the deductions computed under §§ 701.201 and 701.202 with respect to any farm in a county exceed the payment for full performance on such farm computed under such sections, a person's share of the amount by which such deduction exceeds such payments shall be deducted from such person's share of the payment which would otherwise be made to him with respect to any other farm or farms in such county.

(b) *Other farms in the State.* If the deductions computed under §§ 701.201 and 701.202 for a person with respect to one or more farms in a county exceed the payments computed for such person on the other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such person with respect to any other farm or farms in the State if the State committee finds that the crops grown and practices adopted on the farm or farms with respect to which such deductions are computed substantially offset the contribution to the program made on such other farm or farms.*

§ 701.208 *Deduction for association expenses.* There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.*

§ 701.209 *Conservation materials.* Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, and terracing services may be furnished by the Agricultural Adjustment Administration to be used in carrying out approved soil-building practices on the farm in lieu of payments.

Wherever such materials or services are furnished a deduction shall be made in an amount determined by the Agricultural Adjustment Administration on the basis approved by the Secretary. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made.

The deduction for materials or services shall be made from payment due the person who obtained the materials or services on the same or any other farm in the county. In the event the amount of the deduction for materials or services exceeds the amount of the payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary: *Provided,* That in the Northeast, East Central, and Southern Regions deductions for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such materials or services were furnished.

Notwithstanding any other provision herein, in areas designated by the Agricultural Adjustment Administration, for any farm (1) for which no deductions are applicable and (2) for which no application for payment is filed or if an application is filed no net payment would be computed except for the use of conservation materials or services, the materials or services furnished by the Agricultural Adjustment Administration shall be in lieu of payments which might be computed for the farm.*

§ 701.210 *General provisions relating to payments*—(a) *Payment restricted to effectuation of purposes of the program.* (1) All or any part of any payment which otherwise would be made to any person under the 1941 program may be withheld or required to be returned (i) if he adopts or has adopted any practice which tends to defeat any of the purposes of the 1941 or previous agricultural conservation programs, (ii) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (iii) if, with respect to grazing land, forest land or woodland owned or controlled by him, he adopts or has adopted any practice which is contrary to sound conservation practices.

Practices which tend to defeat the purposes of the 1941 program and the amount of the payment which shall be withheld or required to be refunded in each such case shall include, but shall not be limited to, the following cases:

Practice and amount to be withheld or refunded

1. A landlord or operator, including the landlord of a cash or standing or fixed-rent tenant, either by oral or written lease, or by an oral or written agreement supplementary to such lease, requires by coercion or induces by subterfuge his tenant or sharecropper to agree to pay to such landlord or operator all or a portion of any government payment which the tenant or sharecropper has or is to receive for participating in the 1941 Agricultural Conservation Program. Amount withheld or refunded: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

2. A landlord or operator requires that his tenant or sharecropper pay, in addition to the customary rental, a sum of money or any thing or service of value equivalent to all or a portion of the government payment which may be, is being, or has been earned by the tenant or sharecropper. Amount withheld or refunded: The entire payment which has been or otherwise would be made to the landlord or operator with respect to the farm.

3. A landlord or operator knowingly omits the names of one or more of his landlords, tenants, or sharecroppers on an application for payment form or other official document required to be filed in connection with the 1941 Agricultural Conservation Program, or knowingly shows incorrectly his or their acreage shares of a crop, or share of soil-building practices, or otherwise falsifies the record required therein to be submitted in respect to a particular farm, thereby intentionally depriving or attempting to deprive one or more landlords, tenants, or sharecroppers of payments to which they are entitled. Amount withheld or refunded: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

4. A landlord or operator requires his tenant or sharecropper to execute an assignment, ostensibly covering advances of money or supplies to make a current crop, but actually for a purpose not permitted by the assignment regulations. Amount withheld or refunded: The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

5. A person complies with the provisions of the program on a farm or farms operated by him as an individual, but substantially offsets such performance by the farming operations of a partnership, association, estate, corporation, trust or other business enterprise in which he has a financial interest and the policies of which he is in a position to control. Amount withheld or refunded: All the payments which have been or otherwise would be made to a person who adopts such practices.

6. A partnership, association, estate, corporation, trust, or other business enterprise (in which a particular individual is interested) carried on its operations so as to qualify for payment, but one of the persons who is in position to control

the operations or policies of such partnership, association, estate, corporation, trust, or other business enterprise substantially offsets such performance by such person's individual operations. Amount withheld or refunded: The individual's payments shall be forfeited and the payments to the partnership, association, estate, corporation, trust, or other business enterprise shall be reduced by the amount which the State committee finds or estimates is commensurate with his interest in such enterprise.

7. A person operates farms in two or more States and substantially offsets his performance in one State by overplanting his farm in another State. Amount withheld or refunded: The net amount of the deduction which would be computed for the person for such overplanting if the farms were in the same State.

8. A person rents land for cash, standing or fixed rent to another person who he knows or has good reason to believe will offset such person's performance by substantially overplanting the acreage allotment for the farm which includes such rented land. Amount withheld or refunded: The net amount of the deduction which would be computed if the person were entitled to receive all the crops produced on the rented land.

9. A person participates in the production of a crop on a farm other than a farm in which he admits having an interest. (A person shall be considered to be participating in the production of a crop if the committee finds that he furnished either machinery, workstock, or financial assistance for the production of such crop and that he has a financial interest in such crop). Amount withheld or refunded: The proportion of the net amount of the deduction which would be computed for the farm which the committee determines was such person's interest in the crops produced.

10. A tenant in settling his obligations under a rental contract or agreement supplemental or collateral thereto, pays or renders cash, standing rent or fixed rent, or a share of the crop, or any service or thing of value, aggregating in value in excess of the rental customarily paid in the community for similar land and use, thereby diverting to the landlord the whole or any part of any payment which the tenant is entitled to receive. The application of this rule shall be subject to the approval of the Regional Director. Amount withheld or refunded: The whole of any payment with respect to the farm which has been or otherwise would be made to such tenant. There shall be withheld from or required to be refunded by the landlord the whole of the payment with respect to all of his farms under the program involved: *Provided, however*, Where a tenant is renting for a share of the crop only and the tenant's share is 60 percent or less, only the landlord's payments shall be withheld or recovered.

11. A landlord or operator forces or causes, by coercion, subterfuge, or in any manner whatsoever, a tenant or sharecropper to abandon a crop prior to harvest for the purpose of obtaining the share of the payment that would otherwise be made to the tenant or sharecropper with respect to such crop. Amount withheld or refunded: The entire payment which has been or would otherwise be made to such landlord or operator with respect to the farm.

12. A person misuses or participates in the misuse of a cotton marketing card or fails to file any report required by or under the regulations pertaining to cotton marketing quotas for the 1940–41 or 1941–42 marketing year and such misuse or failure to file such report results in erroneous or incomplete records pertaining to any farm in connection with cotton marketing quotas and fails to complete or correct such records. Amount withheld or refunded: The entire payment which has been or would otherwise be made to such person with respect to the farm.

(2) Payments other than payments in connection with restoration land and in connection with soil-building practices will be made only with respect to farms which are being operated in 1941.

(3) No payment will be made to any person with respect to any farm which such person owns or operates in a county if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard in 1941 to other land in the community in which such farm is located.

(b) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph (d) of this section, advances for crop insurance premiums for the farm, and indebtedness to the United States subject to set-off under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1941 any change of the arrangements which existed on the farm in 1940 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1941 program than would have been made to the landlord or operator for performance on the farm under the 1940 program, payments to the landlord or operator under the 1941 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1940 had been continued in 1941, unless the county committee certifies that the change is justified and approves such change.

If on any farm the number of sharecroppers or share tenants in 1941 is less than the average number on the farm during the three years 1938 to 1940 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, unless the county committee certifies that the reduction is justified and approves such reduction.

The action of the county committee under this paragraph (c) is subject to approval or disapproval by the State committee.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1941 program has employed any other scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1941 program.

(d) *Assignments.* Any person who may be entitled to any payment in connection with the 1941 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1941. No such assignment will be recognized unless the assignment is made in writing on Form ACP–69 in accordance with the instructions (ACP–70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this paragraph (d) shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

(e) *Excess cotton acreage.* Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1941 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted, during 1941, on land in any farm in which he has an interest, in excess of the cotton acreage allotment for the farm for 1941, and that cotton was not planted

in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1941 on acreage in excess of the cotton acreage allotment for the farm for 1941 shall not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1941 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1941 on an acreage in excess of the cotton acreage allotment for the farm for 1941 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1941.

(f) *Use of soil-conserving crops for market.* Payment will not be made with respect to any farm unless on such farm in 1941 an acreage of cropland or restoration land, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market, equal to the acreage by which the normal acreage of soil-depleting crops on such farm exceeds the larger of (1) the total soil-depleting acreage allotment for the farm or (2) the acreage devoted to soil-depleting crops on the farm in 1941: *Provided*, That payments shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of this paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions unless: (1) the number of cows kept for the production of milk in the county exceeds by more than five percent the normal number of such cows; (2) the acres retired from soil-depleting crops in the county exceed five percent of the normal acreage of such crops and exceed 1,000 acres; and (3) the average number of cows kept for the production of milk exceeds three cows per farm and exceeds three cows per 160 acres of farm land.

The normal acreage of soil-depleting crops and the number of cows kept for the production of milk or the products thereof for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine, from the latest available statistics of the Department, and shall announce the counties not deemed to be in substantial compliance.

As used in this paragraph (f), the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm or if fed to dairy livestock upon his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this paragraph (f), the term "soil-conserving crops" means grasses and legumes grown on cropland except those listed in the definition of soil-depleting acreage in § 701.203.

(g) *Deductions in case of erroneous notice of acreage allotment.* Notwithstanding the deduction provisions of § 701.201, in any case where, through error in a county or State office, the producer was officially notified of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and the county and State committees find, if the notice was in writing, or the county and State committees, with the approval of the Administrator, find, if the notice was not in writing, that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued.

§ 701.211 *Application for payment*—(a) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any person for whom, under the provisions of § 701.204, a share in the payment with respect to the farm may be computed and (1) who is determined by the county committee to be entitled, as of the time of harvest, to share in any of the crops grown on the farm under a lease or operating agreement or as owner-operator, or (2) who is owner or operator of such farm and participates thereon in 1941 in carrying out approved soil-building practices, or (3) who as of June 30, 1941, is owner or cash or fixed rent tenant of a farm on which restoration land is designated.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office on or before a date fixed by the regional director but not later than March 31, 1942. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

(c) *Applications for other farms.* If a person makes application for payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county, such person must make application for payment with respect to all such farms. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another.

§ 701.212 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment, usual acreage, normal or actual yield, measurement, or soil-building allowance; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writ-

ing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

§ 701.213 *State and regional bulletins, instructions, and forms.* The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1941 program pursuant to the provisions hereof.

§ 701.214 *Definitions.* For purposes of the 1941 program, unless the context otherwise requires:

(a) *Officials.* (1) *Secretary* means the Secretary of Agriculture of the United States.

(2) *Regional director* means the director of the division of the Agricultural Adjustment Administration in charge of the agricultural conservation programs in the region.

(3) *State committee* or *State agricultural conservation committee* means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in such State.

(4) *County committee* or *county agricultural conservation committee* means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in such county.

(b) *Areas.* (1) *Northeast Region* means the area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(2) *East Central Region* means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(3) *Southern Region* means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(4) *North Central Region* means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(5) *Western Region* means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(6) *Area A* means the North Central Region, North Dakota, Kansas, and such counties or administrative areas in Arkansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, and California as may be designated by the Agricultural Adjustment Administration as counties or areas normally producing a surplus of general soil-depleting crops.

(7) *Area B* means the East Central Region and those portions of the Southern and Western Regions not included in Area A.

(8) *Area C* means the Northeast Region.

(c) *Farms. Farm* means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(d) *Cropland.* (1) *Cropland* means farm land which in 1940 was tilled or was in regular rotation, excluding restoration land and any land which constitutes, or will constitute if such tillage is continued, a wind-erosion hazard to the community, and excluding also, except in the Southern Region, any land in commercial orchards.

(e) *Miscellaneous.* (1) *Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(2) *Landlord* or *owner* means a person who owns land and rents such land to another person or operates such land.

(3) *Sharecropper* means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(4) *Tenant* means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon, and, in the case of rice, also means a person furnishing water for a share of the rice.

(5) *Commercial orchards* means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits, on the farm (excluding non-bearing orchards and vineyards) from which the major portion of the production is normally sold. Commercial orchards shall also include perennial vegetables in States or other areas in which commercial vegetable counties are designated as non-vegetable-allotment areas.

(6) *Noncrop open pasture land* means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(7) *Special crop acreage allotment* means a corn, cotton, wheat, tobacco, rice, peanut, potato, or commercial vegetable acreage allotment.

(8) *Animal unit* means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.

§ 701.215 *Authority, availability of funds, and applicability*—(a) *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of section 7 (a) of said Act in 1941 the payments provided for herein will be made for participation in the 1941 program.

(b) *Availability of funds.* The provisions of the 1941 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. As an adjustment for participation the rates of payment and deduction with respect to

any commodity or item of payment may be increased or decreased from the rates set forth herein by as much as 10 percent.

(c) *Applicability.* The provisions of the 1941 program contained herein, except § 701.206, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special agricultural conservation programs under said Act are approved for 1941 by the Secretary; (3) any department or bureau of the United States Government and any corporation wholly owned by the United States; and (4) lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership. Lands under (4) above include, but are not limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Division of Grazing or the Bureau of Biological Survey of the United States Department of the Interior.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations.

The program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land shall include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Agricultural Adjustment Administration finds that land administered by other agencies complies with all of the foregoing provisions for eligibility.

(d) *Combination with range program.* The Range Conservation Program may be combined with the Agricultural Conservation Program for 1941 in any State or area upon recommendation of the State committee and approval of the Agricultural Adjustment Administration, in which case range land shall be treated as noncrop open pasture land and the range-building practices shall be treated as incorporated in the Agricultural Conservation Program. In any area where the programs are combined, the payment in connection with soil-building practices for noncrop open pasture land in any case where the acreage of such land is in excess of _____ acres shall not be computed on more than one animal unit for each _____ acres of such pasture, nor on more than _____ acres for each animal unit of grazing capacity, and the soil-building allowance shall include the allowance computed for mountain meadow land.

Done at Washington, D. C., this 20th day of August, 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-3478; Filed, August 20, 1940; 3:31 p. m.]

[RCP-1941]

PART 705—1941 RANGE CONSERVATION PROGRAM BULLETIN

CONTENTS

Payment will be made for participation in the 1941 Range Conservation Program in accordance with the provisions hereof and such modifications thereof as may hereafter be made.

§ 705.201 *Rates of range-building payments.* Within the limits of the range-building allowance and subject to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1941 such of the range-building practices listed in this section as are recommended for the State by the State committee and approved by the Regional Director, and as are approved by the county committee for the ranching unit prior to their institution. The rates of payment listed below are the maximum rates allowable, and the rates of payment for any practice included may, for any State or area within a State, be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration in order to reflect relatively lower costs or desirability of the practice.

Practices and Conditions of Payment and Rate

Reseeding of Range Land

(a) *Natural reseeding by deferred grazing and supplemental practices.* Withholding 25 percent of the range land in the ranching unit from grazing for the normal period from the start of forage growth to seed maturity, which period will be determined by the State committee with the approval of the regional director, provided that (1) the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock or on ranching units used exclusively for grazing sheep or goats (and, in areas designated by the regional director upon recommendation of the State committee, cattle or horses) the entry of livestock on the non-grazed acreage is prevented by herding or other specified methods, (2) the remaining range land in the ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed, (3) such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing, (4) the ranch operator has submitted to the county committee in writing the designation of the non-grazing range area previous to the initiation of such practice, and (5) the ranch operator complies with such other conditions or specifications as shall be established by the county committee with the approval of the State committee as are needed in the interest of range conservation. Rate: That part of the range-building allowance which is computed under § 705.202 (a): *Provided,* That (1) if grazing is deferred on less than 25 percent of the range land in the ranching unit the payment shall be a proportionate percent for each 1 percent of the range land included in such practice; and (2) that payment shall not exceed the value of practices carried out which are designated by the county committee in accordance with instructions issued with the approval of the Agricultural Adjustment Administration and for which payment otherwise will not be made, except that in areas designated by the Agricultural Adjustment Administration as areas where only limited supplemental practices are required or are otherwise provided for, payment shall not exceed 50 percent (or if grazing is deferred on less than 25 percent of the range land in the ranching unit 2 percent for each 1 percent of the range land included in such practice) of the allowance computed under § 705.202 (a) by more than the value of such practices carried out on the ranching unit.

(b) *Artificial reseeding.* For reseeding depleted range land, including mountain meadow land, with good seed of adapted varieties of range grasses, legumes or forage shrubs. Rate: $0.15 per pound of seed sown.

(c) *Artificial sodding.* For resodding depleted range land with adapted varieties of range grasses. Rate: $3.00 per acre.

Erosion and Runoff Control

(d) *Contour listing, furrowing, or subsoiling.* For listing, furrowing, or subsoiling range land, including mountain meadow land, on the contour. Rate: 2.5 cents per 100 linear feet but not to exceed 75 cents per acre.

(e) *Contour ridging.* For ridging range land on the contour. Rate: $0.10 per 100 linear feet.

(f) *Spreader dams and terraces and channel rip-rap.* For constructing spreader dams and spreader terraces and channel rip-rap alone or in combi-

nation with each other for the diversion of surface water to prevent soil washing of range land, including mountain meadow land.

(1) Spreader dams. Rate: $0.15 per cubic yard of material moved not in excess of 2,000 cubic yards, and $0.10 per cubic yard of material moved in excess of 2,000 cubic yards for each dam.

(2) Spreader terraces. Rate: $0.50 per 100 linear feet.

(3) Rip-rap of rock or other suitable material specified by the Agricultural Adjustment Administration along water courses. Rate: $0.50 per square yard of exposed surface.

Development of Stock Water on Range Land

(g) *Earthen tanks or reservoirs.* For constructing reservoirs or earthen tanks, including the enlargement of inadequate structures, with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock. Payment may be made for diversion to an off channel site. Rate: $0.15 per cubic yard of material moved not in excess of 2,000 cubic yards, and $0.10 per cubic yard of material moved in excess of 2,000 cubic yards for each tank or reservoir.

(h) *Concrete or rubble masonry dams or drops.* For constructing concrete or rubble masonry dams or drops (where earthen dams or reservoirs are impracticable and where there is no possibility of using the masonry dam for irrigation), for the purpose of providing water for range livestock or the control of erosion. Rate: $6.00 per cubic yard of concrete or rubble masonry.

(i) *Wells.* (1) For drilling or digging wells, or deepening, by drilling or digging, wells which are inadequate or have failed to provide water, with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at any ranch headquarters. Rate: $2.00 per linear foot.

(2) For drilling wells, including the deepening, by drilling, or wells which are inadequate or have failed to provide water, with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir or for drilling an artesian well for the purpose of providing water for range livestock provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at any ranch headquarters. Rate: $1.00 per linear foot.

(j) *Development of natural watering places.* For developing springs or seeps for the purpose of providing water for range livestock, provided the source is protected from trampling, and at least 20 cubic feet of available water storage is provided, *And provided further,* That the total cost of development is not less than $20.00. Rate: $0.30 per cubic foot in soil or gravel and $0.50 per cubic foot in rock formation for excavation of source, provided the minimum payment will be $20.00 and the maximum payment $100.00 for any single development.

Planting and Maintaining a Stand of Trees

(k) *Tree planting.* Planting of trees on range land, provided that the trees are planted in 1941 prior to November 1; that the number, kind, and age of trees planted and methods of planting and growing of such trees are in accordance with approved specifications; and that the acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock. Rate: $7.50 per acre.

(l) *Cultivating and maintaining a stand of trees.* Cultivating, protecting, and maintaining, by replanting, if necessary, a full stand of at least 500 trees per acre of forest planting, or 200 trees per acre of windbreak or shelter-belt plantings, planted on range land between July 1, 1937, and July 1, 1941. Payment will not be made for this practice in the case of trees for which payment is made for planting under the 1941 program. Rate: $3.00 per acre.

Conservation of Range Lands Through Control of Destructive Plants

(m) *Prickly pear and cactus:*

(1) Light infestation. Rate: $0.50 per acre.

(2) Medium infestation. Rate: $0.75 per acre.

(3) Heavy infestation. Rate: $1.00 per acre.

(n) *Mesquite:*

(1) Light infestation: Rate: $0.50 per acre.

(2) Medium infestation. Rate: $1.00 per acre.

(3) Heavy infestation. Rate: $2.00 per acre.

(o) *Cedar:*

(1) Light infestation. Rate: $0.75 per acre.

(2) Medium infestation. Rate: $1.00 per acre.

(3) Heavy infestation. Rate: $1.50 per acre.

(p) *Lechuguilla:*

(1) Heavy infestation. Rate: $0.50 per acre.

(q) *St. John's wort:*

(1) Medium infestation. Rate: $2.00 per acre.

(r) *Sagebrush:*

(1) Heavy infestation. Rate: $0.50 per acre.

Provided, That if the county committee determines the control of destructive plants under any of practices (m) to (r), inclusive, will reduce the vegetative cover to such an extent as to cause increased soil erosion, the use of practice (b), Artificial Reseeding, shall also be required where soil and climatic conditions permit.

(s) *Destruction of noxious plants by mowing: Provided,* That payment will not be made if the plants mowed are used for hay or sold for any purpose. Payment will not be made for mowing a greater number of times than the county committee, with the approval of the State committee, finds is necessary for destruction of the noxious plants. Rate: $0.25 per acre.

Fire Guards

(t) *Fire guards.* For the establishment on range land of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if any fire guard is used in connection with controlled burning within the ranching unit. Rate: $0.05 per 100 linear feet.*

§ 705.202 *Range-building allowance*—(a) *Acreage and grazing capacity.* The provisions of this paragraph will be determined and announced by the Secretary as soon as information on which they are based is available.

(b) *Mountain meadow land.* In addition, the range-building allowance shall include 35 cents times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The counties in which this additional allowance is made shall be those mountain counties in the Western Region for which, upon the basis of the recommendations of the county and State committees, the regional director determines the reseeding and erosion control practices specified in § 705.201 to be necessary and effective in promoting range conservation: *Provided, however,* The mountain meadow land for which this additional allowance is made shall not be considered in calculating the portion of the range-building allowance provided for in paragraph (a).*

§ 705.203 *Conditions of payment*—(a) *Promotion of conservation and good range management.* Payments for carrying out range-building practices are conditioned upon the adoption or maintenance of conservative range management practices designed to secure or maintain a good stand of grass or other palatable forage plants and in bringing about such use of the forage resources of the ranch as will most effectively carry out the purposes of the Soil Conserva-

*§§ 705.201 to 705.216, inclusive, are issued under the authority contained in secs. 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216; Public, No. 716, approved July 2, 1940; 16 U.S.C., Sup. IV, 590g–590q.

tion and Domestic Allotment Act. Payments under the 1941 Range Conservation Program will be made only with respect to those ranching units on which the county committee certifies that such range management practices have been followed. The range-building practices approved by the county committee for any ranching unit shall be practices which the county committee finds are needed on the ranch in order to promote conservation and good range management.

(b) *Payments limited to range-building allowance.* The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the State committee and approved by the regional director. Payments made for carrying out range-building practices shall not be subject to the deductions incurred under Section 701.201 of the 1941 Agricultural Conservation Program Bulletin.

(c) *State or Federal Aid.* If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or other materials furnished by any State or Federal agency other than the Agricultural Adjustment Administration, no payment shall be made for such practice. If less than one-half of the total cost of carrying out any practice is represented by such items, payment shall be made for one-half of such practice. Labor, seed, trees, and materials furnished to a State or political subdivision of a State or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State * * * agency" within the meaning of this paragraph.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to have been paid for in whole or in part by a State or Federal agency. No payment will be made for the planting of forest trees furnished by the Forest Service in connection with the Prairie States Forestry Project.*

§ 705.204 *Changes in leasing arrangements and other devices.* No payment will be made to any person who has for 1941 made any change from the 1940 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1940 leasing arrangements of such range land were in effect for 1941. If the State committee finds that any person who files an application for a payment pursuant to the provision of the 1941 Range Conservation Program has made any change from the 1940 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1941 Range Conservation Program.*

§ 705.205 *Eligibility for payment*—(a) *Persons eligible to file application.* Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office, on or before a date fixed by the regional director, but not later than March 31, 1942. The Secretary reserves the right (1) to withhold payment from any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) *Excess cotton acreage.* Any person who makes application for payment with respect to any ranching unit located in a county in which cotton is planted in 1941 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1941 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment determined for the farm for 1941 and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1941 on acreage in excess of the cotton acreage allotment determined for the farm for 1941 shall not be eligible for any payment under the provisions of the 1941 Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1941 on acreage in excess of the cotton acreage allotment for the farm for 1941 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1941.*

§ 705.206 *Payment restricted to effectuation of the purposes of the program.* All or any part of any payment which otherwise would be made to any person under the 1941 Range Conservation Program may be withheld (1) if he has adopted any practice which tends to defeat any of the purposes of the 1941 or previous range conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1941.*

§ 705.207 *Payments computed and made without regard to claims.* Any payment or share of payments shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in § 705.211), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.*

§ 705.208 *Increase in small payments.* The total payment computed for any person with respect to any ranching unit shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to $1.00;

(2) Any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent;

(3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	*Increase in payment*
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	[1]
$200.00 and over	[2]

[1] Increase to $200.00.
[2] No increase.

*

§ 705.209 *Payments limited to $10,000.* The total of all payments made in connection with programs for 1941 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, Territory, or possession, shall not exceed the sum of $10,000 prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with programs for 1941 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership or estate with respect to farms, ranching units and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of $10,000 prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1941 Agricultural Conservation Program, including the Range Conservation Program, may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.*

§ 705.210 *Deductions for association expenses.* There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.*

§ 705.211 *Assignments.* Any person who may be entitled to any payment in connection with the 1941 Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1941. No such assignment will be recognized unless the assignment is made in writing on Form ACP–69 in accordance with instructions (ACP–70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this section shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.*

§ 705.212 *Establishment of grazing capacities.* There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the regional director as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.*

§ 705.213 *Appeals.* Any person may within 15 days after notice thereof is forwarded to or made available to him request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any ranching unit in which he has an interest; (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such persons of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, having an interest in the operation of the ranching unit, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, having an interest in the operation of the ranching unit, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.*

§ 705.214 *State and regional bulletins, instructions and forms.* The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required pursuant to the provisions hereof in administering the 1941 Range Conservation Program.*

§ 705.215 *Definitions.* For the purposes of the 1941 Range Conservation Program unless the context otherwise requires:

Secretary means the Secretary of Agriculture of the United States.

North Central Region means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

Southern Region means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

Western Region means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

Regional Director means the director of the division of the Agricultural Adjustment Administration in charge of the Agricultural Conservation Programs and the Range Conservation Programs in the Region.

State Committee means the group of persons designated for any State to assist in the administration of the Agricultural Conservation Programs and the Range Conservation Programs in such State.

County Committee means the group of persons elected for any county to assist in the administration of the Agricultural Conservation Programs and the Range Conservation Programs in such county.

Person means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

Range-Building Payment means a payment for the carrying out of one or more approved range-building practices.

Range-Building Allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch Operator means a person who as owner, cash tenant or share tenant operates, or a person who acts in similar capacity in the operation of a ranching unit in 1941.

Range Land means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States: *Provided,* That in States or areas where the range conservation program is applicable and is not combined with the Agricultural Conservation Program all noncrop open pasture land shall be classified as range land upon recommendation of the State committee and approval of the Agricultural Adjustment Administration.

Ranching Unit means all range land which is used in 1941 by the ranch operator as a single unit in producing range livestock and is operated separately from any other range land. In order to facilitate the administration of the program the Regional Director may prescribe that for the purposes of this program tracts shall be deemed ranching units only if they contain more than the minimum acreage of range land fixed by him. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

Animal Unit means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

Grazing Capacity of Range Land means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

§ 705.216 *Authority, availability of funds, and applicability*—(a) *Authority.* Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1941, the payments provided for herein will be made for participation in the 1941 Range Conservation Program.

(b) *Availability of funds.* The provisions of the 1941 Agricultural Conservation Program, including the Range Conservation Program, are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. Any increase or decrease in rates of payment made because of the extent of participation in the Range Conservation Program will not exceed 10 percent.

(c) *Applicability.* The provisions of the 1941 Range Conservation Program contained herein, except § 705.209, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special range programs under said Act are approved for 1941, by the Secretary; and (3) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

(d) *Combination with Agricultural Conservation Program.* The Range Conservation Program may be combined with the Agricultural Conservation Program for 1941 in any State or area upon recommendation of the State committee and the approval of the Agricultural Adjustment Administration, in which case range land shall be treated as noncrop pasture and the range-building allowance and practices shall be treated as incorporated in the Agricultural Conservation Program.

Done at Washington, D. C., this 20th day of August, 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-3479; Filed, August 20, 1940; 3:31 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—COUNCIL OF NATIONAL DEFENSE

ORDER ESTABLISHING THE OFFICE FOR COORDINATION OF COMMERCIAL AND CULTURAL RELATIONS BETWEEN THE AMERICAN REPUBLICS

Pursuant to authority vested in it by section 2 of the Act of August 29, 1916 (39 Stat. 649), the Council of National Defense, with the approval of the President, hereby establishes as a subordinate body to the Council an office to be known as the Office for Coordination of Commercial and Cultural Relations between the American Republics, at the head of which there shall be a Coordinator of Commercial and Cultural Relations between the American Republics (hereinafter referred to as the Coordinator). The Coordinator shall serve as such without compensation but shall be entitled to actual and necessary transportation, subsistence and other expenses incidental to the performance of his duties.

The Coordinator shall:

(1) establish and maintain liaison between the Advisory Commission, the several departments and establishments of the Government and with such other agencies, public or private, as the Coordinator may deem necessary or desirable to insure proper coordination of, and economy and efficiency in, the activities of the Government with respect to Hemisphere defense, with particular reference to the commercial and cultural aspects of the problem, and shall also be available to assist in the coordination and carrying out of the purposes of Public Resolution No. 83—76th Congress (H. J. Res. 367);

(2) be a member and chairman of the Inter-Departmental Committee on Inter-American affairs, which shall include the President of the Export-Import Bank, one designate from each of the following Departments: State, Agriculture, Treasury, and Commerce, and such representatives from other agencies and departments as may be needed from time to time, the Committee to consider and correlate proposals of the Government with respect to Hemisphere defense, commercial and cultural relations and to

make recommendations to the appropriate Government departments and agencies;

(3) be responsible directly to the President, to whom he shall submit reports and recommendations with respect to the activities of his office;

(4) review existing laws, coordinate research by the several Federal agencies, and recommend to the Inter-Departmental Committee such new legislation as may be deemed essential to the effective realization of the basic objectives of the Government's program;

(5) be charged with the formulation and the execution of a program in cooperation with the State Department which, by effective use of Governmental and private facilities in such fields as the arts and sciences, education and travel, the radio, the press, and the cinema, will further national defense and strengthen the bonds between the nations of the Western Hemisphere.

Nelson A. Rockefeller is hereby appointed Coordinator of Commercial and Cultural Relations between the American Republics.

HENRY L. STIMSON,
Secretary of War.
FRANK KNOX,
Secretary of the Navy.
HAROLD L. ICKES,
Secretary of the Interior.
H. A. WALLACE,
Secretary of Agriculture.
ROBERT H. HINCKLEY,
Acting Secretary of Commerce.
C. V. MCLAUGHLIN,
Acting Secretary of Labor.

Approved:

FRANKLIN D. ROOSEVELT,
The White House,
August 16, 1940.

[F. R. Doc. 40-3481; Filed, August 21, 1940; 10:11 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

REGULATIONS AMENDED

AUGUST 21, 1940.

Sections 63.1; 79.1; 97.1; and 116.1, are amended by the addition of the following paragraph reading as follows:

All vessels or other floating equipment used by or in connection with any "civilian nautical school" as defined by section one of the Act of Congress approved June 12, 1940 (Public Law No. 606—76th Congress) shall, whether being navigated or not, be subject to all the laws covering the inspection of passenger vessels in effect on or before June 12, 1940, and the regulations thereunder, including the inspection of hulls, the installation and inspection of machinery and boilers, lifesaving and fire fighting equipment, construction, and the licensing of officers and manning, as more particularly set forth in full in this subchapter and Subchapters E and F of this title.

Sections 59.11 (f), paragraph 9, 60.9 (f), paragraph 9, are amended by substitution of the number 4 for the number 2 so as to read as follows:

The use of signal pistol cartridges shall not be permitted for a period of longer than 4 years from the date of manufacture.

The following miscellaneous items of equipment for the better security of life at sea have been approved:

Life Preserver

4524. Adult's kapok life preserver, the H. S. White Manufacturing Company, Stillwater, Minnesota.

Thread for Life Preservers

4562. 10/3 Glazed Thread, natural finish, Egyptian cotton, Threads—Incorporated, Gastonia, North Carolina.

Line-Carrying Gun

4463. Line-carrying gun (Dwgs. SSC–105–3 and SSC–105–4), Sculler Safety Corporation, 116–122 Broad Street, New York, New York.

Apparatus for Extinguishment of Fire in Compartments of Vessels

3826. Foamite Generator, Models 15C, 21C, and 25C, for portable systems on tank vessels, and Models 15C and 25C for use in fixed systems on all inspected vessels, American - LaFrance - Foamite Corporation, New York, New York.

Fire-Indicating and Alarm Systems

4563. Audible alarm for use with visual smoke detecting system, and combined smoke detecting and carbon dioxide extinguishing system, The C–O–Two Fire Equipment Co., Pyrene Building, Newark, New Jersey.

(Act of June 12, 1940, Public No. 606, 76th Congress, 3rd Session; R.S. 4405 as amended, 46 U.S.C. 375; R.S. 4488 as amended, 46 U.S.C. 481; R.S. 4491 as amended, 46 U.S.C. 489; R.S. 4470 as amended, 46 U.S.C. 463)

R. S. FIELD, *Director.*
GEORGE FRIED,
Supervising Inspector,
2nd District.
ROBERT E. COOMBS,
Supervising Inspector,
5th District.

Approved:

ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 40-3489; Filed, August 21, 1940; 11:16 a. m.]

Notices

WAR DEPARTMENT.

RESTRICTIONS ON CERTAIN TRANSACTIONS INVOLVING PROPERTY IN WHICH CERTAIN FOREIGN COUNTRIES, OR ANY NATIONAL THEREOF, MAY HAVE AN INTEREST

1. *Norway and Denmark*—(a) *Executive order and Treasury Department regulations.* Executive Order No. 8389, April 10, 1940 (5 F.R. 1400), and Treasury Department regulations issued pursuant thereto impose restrictions on certain transactions involving property in which Norway or Denmark or any national thereof has at any time on or since April 8, 1940, had any interest. Additional instructions of the Treasury Department provided among other things that with certain exceptions disbursing officers will not send payments to addresses in Norway or Denmark or to any national of Norway or Denmark within the meaning of Executive Order No. 8389, or to any person, corporation, partnership, or association wherever located for or on behalf of Norway or Denmark or any national thereof. An individual domiciled and resident in the United States on April 8, 1940, is not a "national" of Norway or Denmark within the meaning of Executive Order No. 8389.

(b) *Instructions of the War Department.* Unless prior approval therefor is given by the War Department no award will be made to, or contract entered into with, any person, firm, association or corporation, who to the knowledge of the contracting officer would be ineligible to receive payment under the foregoing instructions.

2. *The Netherlands, Belgium and Luxembourg.* Executive Order No. 8405, May 10, 1940 (5 F.R. 1677), extends the provisions of Executive Order No. 8389, referred to, so as to include the Netherlands, Belgium or Luxembourg or any national thereof effective on or since May 10, 1940, and the instructions of the Treasury and War Departments in paragraph 1 are similarly applicable.

3. *France.* Executive Order No. 8446, June 17, 1940 (5 F.R. 2279), further extends the provisions of Executive Order No. 8389, referred to, so as to include France or any national thereof effective on or since June 17, 1940, and the instructions of the Treasury and War Departments in paragraph 1 are similarly applicable.

4. *Latvia, Estonia, and Lithuania.* Executive Order No. 8484, July 15, 1940 (5 F.R. 2586), further extends the provisions of Executive Order No. 8389, referred to, so as to include Latvia, Estonia, or Lithuania, or any national thereof effective on or since July 10, 1940, and the instructions of the Treasury and War Departments in paragraph 1 are similarly

applicable. (R.S. 161; 5 U.S.C. 22)
[Proc. Cir. 21, W.D. July 25, 1940]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-3480; Filed, August 21, 1940; 9:35 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

MEMORANDUM DESIGNATING CERTAIN OFFICERS AND EMPLOYEES OF THE FOREST SERVICE TO ENFORCE LAWS AND REGULATIONS RELATING TO WILDLIFE

By virtue of the authority vested in me by the Act of June 13, 1940 (Pub. No. 627—76th Congress), all officers and employees of the Forest Service assigned to duty in the field service are hereby designated to enforce Acts of Congress, and regulations promulgated pursuant thereto, for the protection, preservation, or restoration of game and other wild birds and animals on lands under the jurisdiction of the Forest Service.

Done at Washington, D. C., this 20th day of August 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 40-3493; Filed, August 21, 1940; 11:33 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. 321]

IN THE MATTER OF THE CERTIFICATION BY THE POSTMASTER GENERAL PURSUANT TO SECTION 401 (N) OF THE CIVIL AERONAUTICS ACT OF 1938 WITH RESPECT TO THE TRANSPORTATION OF MAIL BY AIRCRAFT TO AND FROM THE INTERMEDIATE POINT OF PHILADELPHIA, PA.

NOTICE OF POSTPONEMENT OF HEARING

By agreement of the parties, hearing [1] in the above-entitled proceeding, now assigned for September 5, 1940, is hereby postponed to September 25, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th Street NW., Washington, D. C., before Examiner J. Francis Reilly.

Dated Washington, D. C., August 19, 1940.

[SEAL] J. FRANCIS REILLY,
Examiner.

[F. R. Doc. 40-3483; Filed, August 21, 1940; 10:20 a. m.]

[1] 5 F.R. 2775.

[DOCKET NO. 323]

IN THE MATTER OF THE APPLICATION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (h) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

By agreement of the parties, hearing [1] in the above-entitled proceeding, being the application of United Air Lines Transport Corporation for an amendment to its existing certificate of public convenience and necessity for route No. 1 to authorize the transportation of mail by aircraft to and from the intermediate point of Philadelphia, Pa., now assigned for September 5, 1940, is hereby postponed to September 25, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th Street NW., Washington, D. C., before Examiner J. Francis Reilly.

Dated Washington, D. C., August 19, 1940.

[SEAL] J. FRANCIS REILLY,
Examiner.

[F. R. Doc. 40-3482; Filed, August 21, 1940; 10:20 a. m.]

[1] 5 F. R. 2775.

FEDERAL TRADE COMMISSION.

[Docket No. 4240]

IN THE MATTER OF DAVID M. WEISS

COMPLAINT

The Federal Trade Commission having reason to believe that the party-respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Section 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent, David M. Weiss, is engaged in business as a commission resident buyer of fur garments, having his principal office and place of business located at 370 Seventh Avenue, New York City, New York. The respondent acts as agent for the purchase of garments for and in behalf of approximately sixty retail fur outlets hereinafter called client buyers, located in the several states of the United States.

The respondent's operation of his business consists in general of receiving from client buyers requests, orders or requisitions to purchase fur garments. Such requests advise the general specifications as to the type of garment, size, style, quality and price. Upon receipt of such requests, orders or requisitions, he calls upon various fur garment manufacturers, and when satisfactory merchandise is located he places an order for the client buyer at the most advantageous price from the client buyer's standpoint. When such orders are filled the merchandise is shipped by the manufacturer direct to the client buyer, although in some instances delivery is arrested to permit inspection of the garments by respondent at the respondent's place of business. On such orders the respondent generally receives from the seller a commission of five per cent.

New York City is the center of the fur garment industry in the United States and fur garment retailers located in states of the United States other than the State of New York undergo expenditures in purchasing fur garments in the New York City markets. Many of such retail buyers maintain in New York City buying offices or secure the services of expert buyers of furs known to the trade as "fee" buyers, or they send their own representatives to New York City to purchase such fur garments. Such buying arrangements are maintained and the personnel compensated by such retail purchasers and not by the fur garment manufacturers. Retailers purchasing through commission buyers are generally competitively engaged with retailers who purchase through buyers who are compensated by the retailers employing them.

PAR. 2. In the course and conduct of his business respondent places orders for fur garments with manufacturers located in New York City on behalf of retailers located in Detroit, Michigan, South Bend, Indiana, Memphis, Tennessee, and Atlanta, Georgia, and elsewhere throughout the United States, pursuant to which fur garments are shipped and caused to be transported by said sellers from New York City, New York, into and through various states of the United States to their respective customers.

PAR. 3. In the course of the purchasing transactions by the respondent, as set forth herein, sellers have, since June 19, 1936, transmitted, paid and delivered, and do transmit, pay and deliver, to said respondent commissions, the same being a certain percentage of the sales price agreed upon between each of such sellers and the respondent on the orders for merchandise placed by the respondent for his principals; and said respondent, since June 19, 1936, has received and accepted, and is receiving and accepting, such commissions on purchases of merchandise by retail buyers in whose behalf said respondent has been and is, in fact, acting.

PAR. 4. The foregoing acts and practices are in violation of subsection (c) of Section 2 of the Clayton Act, as amended.

Wherefore, the premises considered, the Federal Trade Commission this 17th day of August, A. D. 1940, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, David M. Weiss, respondent herein, that the 20th day of September, A. D. 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 17th day of August, A. D. 1940.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3494; Filed, August 21, 1940; 11:54 a. m.]

INTERSTATE COMMERCE COMMISSION.

[No. 28300]

ORDER MODIFYING CLASS RATE INVESTIGATION, 1939

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 1st day of August, A. D. 1940.

It appearing, That the Commission on July 29, 1939, made and entered its order in the above-entitled proceeding, instituting an investigation and inquiry into and concerning the interstate rates under the classes therein designated and applicable between all points in the territory described; and good cause appearing therefor:

It is ordered, That said order of July 29, 1939, be, and it is hereby, modified so that the scope of the investigation shall include all rates determined by ratings in the classification proper, irrespective of whether said ratings are stated as the regular numbered or lettered classes or as percentages of first class, but none other.

It is further ordered, That said order of July 29, 1939, be, and it is hereby, further modified by including the rates subject to ratings described in the next-preceding paragraph and provided in the Illinois classification, as well as rates subject to ratings in official, southern, and western classifications.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40-3484; Filed, August 21, 1940; 11:09 a. m.]

[No. 28310]

ORDER MODIFYING CONSOLIDATED FREIGHT CLASSIFICATION

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 1st day of August, A. D. 1940.

It appearing, That the Commission on July 29, 1939, made and entered its order in the above-entitled proceeding, instituting an investigation into and concerning the descriptions of articles, carload minimum weights, and ratings, provided in official, southern, and western classifications as published in the consolidated freight classification; and good cause appearing therefor:

It is ordered, That said order of July 29, 1939, be, and it is hereby, modified to include the descriptions, minima, and ratings provided in Illinois classification and likewise published in said consolidated freight classification.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40-3485; Filed, August 21, 1940; 11:09 a. m.]

[No. MC-C-200]

MOTOR CARRIER CLASS RATE INVESTIGATION

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 1st day of August, A. D. 1940.

The Commission having under consideration petition filed on behalf of members of the Association of American Railroads and American Short Line Railroad Association dated May 28, 1940, and petition (designated an answer to petition first mentioned above) on behalf of members of the Middle Atlantic States Motor Conference, Incorporated; dated July 2, 1940, requesting the Commission to institute an investigation and inquiry concerning the lawfulness of interstate class rates applicable to the transportation in interstate or foreign commerce of property by common carriers by motor vehicle, or partly by motor vehicle and partly by water, subject to the Interstate Commerce Act, and charges resulting therefrom, between all points in the United States covered by No. 28300, Class Rate Investigation, 1939, and that such investigation be consolidated with and heard on the same record as said No. 28300; and good cause appearing therefor:

It is ordered, That a proceeding of investigation and inquiry be, and it is hereby, instituted by the Commission on its own motion into and concerning the interstate class rates subject to the ratings stated in any manner in the motor freight classifications proper, but none other, applicable to the transportation in interstate or foreign commerce of property by common carriers by motor vehicle, or by such carriers under joint class rates in connection with common carriers by water, subject to the Interstate Commerce Act, and the charges resulting therefrom, between all points in the United States lying on and generally eastward of the following line: The Western boundaries of the States of North Dakota, South Dakota, and Nebraska south to the main line of the Union Pacific Railroad Company, thence along

said railroad west to Cheyenne, Wyo., thence south on the line of The Colorado and Southern Railway Company and paralleling railroads passing through Denver, Pueblo, and Trinidad, Colo., to the border of the State of New Mexico, thence successively east, south, and west along the latter border to the Rio Grande (excluding any point in New Mexico), thence along the Rio Grande to the Gulf of Mexico, with a view to determining whether said rates and charges, or any of them, are unjust, unreasonable, unduly prejudicial, unduly preferential, or otherwise unlawful, and to making such findings and order or orders as may be proper in the premises.

It is further ordered, That all common carriers by motor vehicle, or by water, subject to said act, and participating in said transportation, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of said respondents; and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C.

And it is further ordered, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 40-3486; Filed, August 21, 1940; 11:09 a. m.]

[No. MC-C 200]

NOTICE RELATING TO MOTOR CARRIER CLASS RATE INVESTIGATION

AUGUST 15, 1940.

The Commission has, by order of August 1, instituted a general investigation of interstate class rates applicable to the transportation by common carriers by motor vehicle, or partly by motor vehicle and partly by water under joint class rates, between points in the United States generally except in mountain-Pacific territory and on transcontinental traffic. Like No. 28300, Class Rate Investigation, 1939, (an investigation of class rates by railroad, or partly by railroad and partly by water), this is an extensive undertaking requiring much time for preliminary work by the Commission's own forces and by respondents and interests which desire to participate. Furthermore, it is the present intention to defer hearings herein until after No. 28300 has been on the way. For these reasons it is hoped that efforts now being made by affected carriers and shippers to revise class-rate structures to such extent as they deem necessary or desirable will go on. Progress in that direction may be of much aid in developing a plan or method suitable for class-rate structures and satisfactory to both shippers and carriers. This proceeding has been assigned to division 2 for administrative handling.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 40-3487; Filed, August 21, 1940; 11:10 a. m.]

ORDER AMENDING ORGANIZATION SCHEDULE AND ASSIGNMENT OF WORK AND FUNCTIONS OF THE COMMISSION

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 17th day of August, A. D. 1940.

Section 17 of the Interstate Commerce Act, as amended (U.S.C. title 49, sec 17), and other provisions of law being under consideration, the following order was duly adopted:

Ordered, Effective forthwith, the organization schedule and assignment of work and functions adopted by order of the Commission of May 8, 1939 (4 F.R. 2385), as amended by orders of July 8, 1939 (4 F.R. 3357), June 4, 1940 (5 F.R. 2204), and July 17, 1940 (5 F.R. 2617) be, and it is hereby further amended by inserting under the heading "Assignment of duties to divisions" under the subheading "Division Three" immediately after the paragraph beginning with the words "Section 1 (21)" etc., and immediately before the paragraph beginning with the words "Matters arising under" etc. the following:

Section 204 (a) (1), (2), (3), and (5) of Part II so far as relating to the establishment of reasonable requirements for the safe transportation of explosives and other dangerous articles, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 40-3488; Filed, August 21, 1940; 11:10 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-482]

IN THE MATTER OF OHIO OIL AND GAS COMPANY CAPITAL STOCK, $5 PAR VALUE

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1940.

I

It appearing to the Commission:

That Ohio Oil and Gas Company, a corporation organized under the laws of the State of Delaware, is the issuer of Capital Stock, $5 par value; and

That said Ohio Oil and Gas Company registered such security on the Pittsburgh Stock Exchange, a national securities exchange, by filing on or about April 25, 1935, an application on Form 10 with the said exchange and with the Commission, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which application became effective June 13, 1935, and has remained in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to Section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Ohio Oil and Gas Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the instructions to Form 10-K do not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within this initial period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

It further appearing to the Commission:

That said Ohio Oil and Gas Company has a fiscal year ending December 31; that the annual report for its latest fiscal year ended December 31, 1939, was due to be filed not later than April 30, 1940; that no request for extension was filed by said Ohio Oil and Gas Company; and that no annual report for the fiscal year ended December 31, 1939 was filed by July 1, 1940, within the maximum period allowable under the rule; and

II

The Commission having reasonable cause to believe:

That said Ohio Oil and Gas Company has failed to comply with said section 13

and said Rules X-13A–1 and X-13A–2 in that it has failed to file within the time prescribed for filing its annual report on Form 10–K for the fiscal year ended December 31, 1939; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Ohio Oil and Gas Company has failed to comply with Section 13 of the Securities Exchange Act of 1934, as amended, and the rules, regulations and forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Capital Stock, $5 par value, of said Ohio Oil and Gas Company on said Pittsburgh Stock Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, Charles S. Lobingier, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 16th day of September, 1940, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–3492; Filed, August 21, 1940; 11:27 a. m.]

[File No. 1–995]

IN THE MATTER OF PINES WINTERFRONT COMPANY

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1940.

The Chicago Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Capital Stock, $1 Par Value, of Pines Winterfront Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on September 4, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–3491; Filed, August 21, 1940; 11:27 a. m.]

[File No. 1–2143]

IN THE MATTER OF CONSOLIDATED ICE COMPANY COMMON STOCK, NO PAR VALUE, AND PREFERRED STOCK, NO PAR VALUE, $1 CUMULATIVE

FINDINGS OF THE COMMISSION AND ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1940.

Consolidated Ice Company having applied to the Commission, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2–1 thereunder, for permission to withdraw from listing and registration on the Pittsburgh Stock Exchange its common stock, no par value, and its preferred stock, no par value, $1 cumulative; and

A hearing[1] having been held on due notice before a trail examiner; the trail examiner having filed an advisory report; the Commission having considered the exceptions thereto, having heard oral argument and having considered the record;

The Commission finds that the application complies with the requirements of said Section 12 (d) of the said Act and the rules promulgated thereunder, and that it is necessary for the protection of investors to impose a condition that the delisting shall not be effective until thirty days after the date of this order; and

It is ordered, That said application be and the same hereby is granted, effective at the close of business on September 19, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–3490; Filed, August 21, 1940; 11:27 a. m.]

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[1] 5 F.R. 1722.